



Journal of the Senate

Number 17

Friday, April 8, 1994

CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—40:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Excused: Senators Jenne, Crenshaw, Childers, Beard, Foley, Hargrett, Casas, Holzendorf, Brown-Waite, Dudley, Williams, Grant, Dyer, Turner, Kurth, Boczar, McKay, Myers, Silver, Sullivan, Bankhead, Diaz-Balart, Burt, Dantzler, Grogan, Jones, Scott and Kirkpatrick, periodically for the purpose of working on Appropriations

PRAYER

The following prayer was offered by the Rev. Karl Flagg, Pastor, Mt. Tabor First Baptist Church, Palatka:

Omnipotent, omniscient, omnipresent and Eternal God, we come this morning in the most humble condition we know. We pause these few moments to express our gratitude for your unfeigned love, grace and mercy.

We want to thank you for government, more precisely this morning, the Florida Senate. Give us knowledge, wisdom and understanding. Grant, we pray thee, O Father, that we be guided by whatsoever things are true and honest, just and pure, lovely and of good report.

Help us to survive the anti-climatic conditions of confusion, uncertainty, helplessness and irresponsibility by preserving among us caring, concerned and capable citizens who cherish their heritage and have a greater determination to move to higher heights, for we indeed have come too far to turn back. Where we are today, you have brought us. What we know today, you have taught us. What we see today, you have shown us. Keep us ever mindful of your sovereignty.

We acknowledge thee that thou wouldest prosper us in wise legislation and faithful administration in this session today. Empower us, in our minds and hearts, that thou mayest be honored and for the well-being of our great state and nation, lest we forget. In thy name, we pray. Amen.

PLEDGE

Senate Pages, Eric Herring of Merritt Island and Meredith T. Fensom of Panama City, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Childers, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Childers—

SR 3170—A resolution commending Colly V. Williams for his dedication to educating the children of the Panhandle and urging the Board of County Commissioners of Washington County to rename the Panhandle Area Educational Cooperative in Chipley as the Colly V. Williams Building.

WHEREAS, Colly V. Williams began an illustrious teaching career in 1933 at the Econfina School in Bay County and continued to teach elementary and high school in the Panhandle, and

WHEREAS, Mr. Williams has served various positions including teacher, principal, General Supervisor of Washington County schools, Director of the Florida High School Activities Association, and the Superintendent of Washington County Schools, and

WHEREAS, after a 41-year teaching career, Mr. Williams continued contributing to the Panhandle by serving as the local chairman of organizations such as the March of Dimes, Red Cross Fund Drive, and Washington County Hospital Board of Trustees and as Mayor of Chipley, and

WHEREAS, the citizens of Washington County owe a great debt to Colly V. Williams for his many contributions to the community, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate urges the Board of County Commissioners of Washington County to name the Panhandle Area Educational Cooperative building in Chipley as the Colly V. Williams Building.

On motion by Senator Childers, **SR 3170** was read by title and was read the second time in full and adopted.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Jenne, by two-thirds vote **CS for CS for SB 2926, SB 1324, HB 567, CS for HB 1487 and CS for HB 2197** were withdrawn from the Committee on Appropriations.

On motions by Senator Kirkpatrick, by two-thirds vote **House Bills 467, 819 and 821** were withdrawn from the Committee on Commerce; **CS for SB 2260 and SB 1798** were withdrawn from the Committee on Judiciary.

On motions by Senator Crenshaw, by two-thirds vote **CS for SB 492, CS for SB 1778, CS for SB's 2152 and 2154, CS for SB 2180, CS for SB 2192, SM 2492, CS for SB 2570, CS for SB 2592, CS for SB 2722, SB 2734, CS for SB 2848, HM 2257, SB 1314 and CS for SB 1442** were withdrawn from the Committee on Appropriations.

On motions by Senator Kirkpatrick, by two-thirds vote **HB 2483** was withdrawn from the Committee on Commerce; and **HB 2471** was withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Jenne, by two-thirds vote **SB 232, CS for SB 362, CS for CS for SB's 1718 and 2242, Senate Bills 1782, 1798, 2036, CS for SB 2314, CS for SB 2782 and CS for SB's 2988 and 2922** were withdrawn from the Committee on Appropriations.

On motions by Senator Kirkpatrick, by two-thirds vote **SB 2036 and CS for SB 2794** were withdrawn from the Committee on Judiciary.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for SB 2794** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Kirkpatrick, by two-thirds vote **SB 1404** was withdrawn from the Committee on Commerce.

On motions by Senator Jenne, by two-thirds vote **CS for SB 286, CS for SB 378, SB 542, CS for SB 622, CS for CS for SB 624, SB 1298, CS for SB 1668, CS for SB 2046, CS for SB 2060, CS for SB 2260, CS for SB 2344, CS for SB 2844 and HB 2471** were withdrawn from the Committee on Appropriations.

On motions by Senator Crenshaw, by two-thirds vote **CS for HB 387** and **CS for SB 1174** were withdrawn from the Committee on Appropriations.

On motion by Senator Crenshaw, by two-thirds vote **CS for SB 636** in returning messages with House amendments was referred to the Committee on Appropriations.

On motions by Senator Jenne, by two-thirds vote **SB 1010** was withdrawn from the Committee on Appropriations.

MOTIONS

On motion by Senator Wexler, by two-thirds vote **SB 3150** was placed on the Claim Bills Calendar this day.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 2924**, **CS for SB 3016**, **CS for SB 2372** and **CS for SB 2784** were placed on the Special Order Calendar this day.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote **CS for SB's 1864 and 2212** and **HB 2483** were placed on the Special Order Calendar to be considered following **CS for SB's 2878 and 2358**.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for CS for SB 1564** and **SB 1566** were placed on the Special Order Calendar this day.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 2592** was placed on the Special Order Calendar this day.

SPECIAL ORDER

The Senate resumed consideration of—

SB 1042—A bill to be entitled An act relating to education; amending s. 232.2462, F.S.; providing student requirements relating to the awarding of credits for full-year courses; providing an effective date.

—which had been considered April 7. Pending **Amendment 4** by Senator Grant was withdrawn.

Senator Grant moved the following amendment which was adopted:

Amendment 5 (with Title Amendment)—On page 1, line 8, after the enacting clause insert:

Section 1. Subsection (3) of section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression.—

(3) Each district comprehensive program for pupil progression shall reflect an effort to identify students at each grade level in grades 9 through 12 who have attained a cumulative grade point average *required for graduation pursuant to s. 232.246 of 1.5* or below. The program shall further include provisions for assisting such students to achieve the 1.5 cumulative grade point average required for graduation pursuant to s. 232.246.

Section 2. Subsection (1) and paragraph (c) of subsection (5) of section 232.246, Florida Statutes, are amended, and a new subsection (11) is added to read:

232.246 General requirements for high school graduation.—

(1) Successful completion of a minimum of 22 24 academic credits in grades 9 through 12 shall be required for graduation. *Students shall successfully complete all credits required pursuant to paragraphs (a) through (j). Effective July 1, 1996, at least one credit earned for the purposes of paragraphs (a) through (c), respectively, shall be classified as Level II or Level III by the Department of Education. The 24 credits shall be distributed as follows:*

(a) Four credits in English or applied communications, with major concentration in composition and literature.

(b) Three credits in mathematics or applied mathematics.

(c) Three credits in science or applied science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that

certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government.

(h)1. One credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory vocational education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts vocational education or exploratory vocational education and performing fine arts, as defined in this paragraph.

Such credit for practical arts vocational education or exploratory vocational education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

(k) *Seven Nine* elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option shall complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of such credit and school principals shall be responsible for approving specific volunteer activities.

(5) Each district school board shall establish standards for graduation from its schools which shall include:

(c) ~~Effective for the 1988-1989 school year and each year thereafter,~~ A cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for required courses for graduation. *Effective for the 1997-1998 school year, a cumulative grade point average of 1.6 on a 4.0 scale, or its equivalent, for required courses for graduation. Effective for the 1998-1999 school year, a cumulative grade point average of 1.8 on a 4.0 scale, or its equivalent, for required courses for graduation. Effective for the 1999-2000 school year and each year thereafter, a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, for required courses for graduation.*

1. Each district shall adopt policies which are designed to assist students in meeting this requirement. Such policies may include, but shall not be limited to: forgiveness policies, summer school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes.

2. At the end of each semester, the parent or guardian of each student in grades 9, 10, 11, and 12 who has a cumulative grade point average of less than 2.0 shall be notified that the student is at risk of not meeting the requirements for graduation. *Effective with the 1999-2000 school year, such notification shall occur for students who have a cumulative grade point average below 2.3.* The notice shall contain an explanation of the policies the district has put in place to assist the student in meeting the grade point average requirement.

3. Special assistance to obtain a high school equivalency diploma pursuant to s. 229.814 shall be given only in such cases where the student has completed all requirements for graduation except the attainment of the ~~a 1.5~~ cumulative grade point average pursuant to this paragraph.

The standards required in this subsection, and any subsequent modifications thereto, shall be reprinted in the Florida Administrative Code even though such standards are not defined as "rules."

(11) *Any school board may apply to the Commissioner of Education for a waiver of the curriculum required pursuant to subsection (1). The commissioner may grant such waiver to a school board which submits evidence that the curriculum proposed in lieu of the required curriculum incorporates, at a minimum, the student performance standards associated with required curriculum.*

Section 3. Subsection (1) of section 232.2461, Florida Statutes, is amended to read:

232.2461 Model curriculum standards.—

(1) The Commissioner of Education shall coordinate the development of a model curriculum standard for the courses of study required for grades 9 through 12 under s. 232.246. Model curriculum standards shall be developed for English, *applied communications*, mathematics, *applied mathematics*, and science, *applied science*, and a single curriculum standard shall be developed to include *applied technology*, *applied social sciences*, American history, world history, economics, and American government. Each curriculum standard shall ensure that courses within that standard develop a student's cumulative skills, include higher level skills of thinking and solving problems, and prevent a student from repeatedly taking courses designed to develop skills at the same level. Each curriculum standard shall assist in adopting textbooks, subject area tests, and standards for teacher training. The commissioner shall seek the advice of classroom teachers, school administrators, parents, postsecondary educators, and representatives of business and industry in developing the model curriculum standards. The commissioner shall:

(a) Review the courses and curriculum frameworks currently in the State Course Code Directory, assess the implementation of each course by the schools in the state, and determine the skill level developed by each course.

(b) By January 1, 1993, recommend to the State Board of Education the adoption of curriculum standards for the courses of study required under s. 232.246(1).

(c) Recommend any changes in the State Course Code Directory that are required by the adoption of curriculum standards.

(d) Provide technical assistance to school districts in implementing any changes required by an adopted curriculum standard, including assistance in implementing policies to ensure that students develop cumulative skills within each course of study. The commissioner shall provide technical assistance to any school district in which more than 30 percent of the students in grades 9 through 12 are enrolled in courses with the lowest skill level, as determined by the curriculum standard for each course of study. Such a school district shall, with assistance from the commissioner, develop a plan for improving the performance of its students, including developing higher level skills of thinking and problem solving. Such a plan must state goals for measurable improvement in student performance for 3 to 5 years in the future, and must include an annual assessment of progress toward meeting the improvement goals.

Section 4. Paragraphs (a) and (c) of subsection (1) of section 232.2465, Florida Statutes, are amended to read:

232.2465 Florida Academic Scholars' Certificate Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public school students and nonpublic school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein, and as further specified by the State Board of Education, a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(a) ~~Effective with the 1983-1984 school year, Complete a program of at least 24 credits two more credits than the minimum number of credits required for high school graduation in advanced-level studies as prescribed by the State Board of Education, including as a minimum:~~

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature;

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available;

3. Four years of progressively advanced instruction in mathematics, including courses in algebra and geometry and calculus or trigonometry;

4. Two years of sequential foreign language;

5. One year of instruction in art and music or in either art or music;

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems; and

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(c) In lieu of the requirements specified in paragraphs (a) and (b), successfully complete the International Baccalaureate Program sponsored and administered by the International Baccalaureate Office. *A student who completes the International Baccalaureate curriculum and achieves the score required in paragraph (b) shall also qualify.*

Section 5. Paragraph (b) of subsection (3) of section 233.011, Florida Statutes, is amended to read:

233.011 Accountability in curriculum, educational instructional materials, and testing.—

(3)(a) Pursuant to subsection (2), the Department of Education shall develop, maintain, and revise as necessary curriculum frameworks for the purpose of ensuring instructional consistency and assessment within academic disciplines among public schools. A curriculum framework is a set of broad guidelines which aids educational personnel in producing specific instructional plans for a given subject area or area of study. The process for developing and periodically revising curriculum frameworks shall emphasize the recommendations of national professional organizations and instructional material consortia by subject area or area of study. The Department of Education shall develop, as part of the curriculum framework, intended outcomes specific to child abuse and neglect prevention and to drug and alcohol abuse prevention, which must be accomplished during the four progression levels, K-3, 4-6, 7-9, and 10-12. Each such framework shall be initially approved by the State Board of Education by July 30, 1986. The Department of Education shall revise curriculum frameworks, as appropriate, to include building self-esteem and enhancing decisionmaking skills. Each such revised framework shall be approved as necessary by the State Board of Education, with implementation to begin in school districts by no later than the beginning of the 1991-1992 school year.

(b) Student outcomes specified in each curriculum framework shall be used to develop uniform, statewide student performance standards and assessment instruments in those areas approved pursuant to s. 232.2454(1). *Based on the outcomes specified in the curricular framework, each course conducted in grades 9-12 shall be assigned a level which shall be published within the Course Code Directory. Level I courses shall be courses that are not acceptable for admission to a state university. Level II courses shall be courses that are acceptable for admission to a state university, but that are not considered honors courses. Level III courses shall be courses that are acceptable for admission to a state university and that are considered honors courses.*

Section 6. Subsection (8) is added to section 240.233, Florida Statutes, to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(8) *The Board of Regents shall review high school applied courses conducted pursuant to s. 232.2461 and shall determine the acceptability*

of such courses for academic credit toward state university admission requirements. For any course deemed unacceptable for admission purposes, the board shall delineate specific reasons for nonacceptance. The board shall annually analyze new applied courses in the Course Code Directory, as well as courses previously deemed unacceptable that have been revised as a result of prior board review.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 5, after the semicolon (;) insert: amending s. 232.245, F.S., relating to pupil progression, to conform; amending s. 232.246, F.S.; revising certain standards related to high school graduation; amending s. 232.2461, F.S.; providing for model curriculum standards for certain high school courses; amending s. 232.2465, F.S.; revising qualification standards for Florida Academic Scholars; amending s. 233.011, F.S.; providing for the assignment of certain courses within the Course Code Directory; amending s. 240.233, F.S.; providing for review of certain courses for state university admission purposes;

On motion by Senator Jones, by two-thirds vote **SB 1042** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Senate resumed consideration of—

CS for HB 1305—A bill to be entitled An act relating to water and wastewater systems; creating s. 367.0817, F.S.; providing for water reuse projects to be approved by the Public Service Commission; providing that prudent and reasonable costs of reuse shall be recovered in rates approved by the commission; providing for escrow of revenues attributed to such rates, subject to refund; providing for true-up of reuse costs and such rates; creating s. 373.250, F.S.; providing for the encouragement of reuse of reclaimed water; providing a definition; requiring the water management districts to adopt rules to allocate reclaimed water and to provide for emergency situations; providing for application; amending s. 403.064, F.S.; providing requirements for the use of reclaimed water; providing permit requirements for wastewater treatment facilities in water resource caution areas; providing for feasibility studies for reuse of reclaimed water; providing that permits issued by the Department of Environmental Protection for domestic wastewater treatment facilities must be consistent with requirements for reuse in applicable consumptive use permits; limiting disposal of effluent by deep well injection; amending s. 403.1838, F.S.; expanding the scope of the Small Community Sewer Construction Assistance Act; authorizing grants by the Department of Environmental Protection to financially disadvantaged small communities in accordance with rules adopted by the Environmental Regulation Commission; prescribing criteria for the commission's rules; requiring the department to review each grant; providing for grant funds to be used to pay the costs of program administration; providing for a continuation of current department rules for grants previously awarded; authorizing the Department of Environmental Protection to expend federal drinking water funds to make grants and loans; directing the Department of Environmental Protection to report on the status of any federally authorized drinking water state revolving fund program; providing an effective date.

—which had been considered April 7. Pending **Amendment 2** by Senator Dantzler was adopted.

RECONSIDERATION OF AMENDMENT

On motion by Senator Kiser, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Dantzler, by two-thirds vote **CS for HB 1305** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Grogan, by two-thirds vote—

CS for CS for HB 227—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.06, F.S.; providing for removal of the county name from motor vehicle license plates and the inclusion of the words "Sunshine State"; providing legislative intent; providing for the creation of a Florida Indian River Lagoon license plate; providing fees; providing for the disposition of fees; providing for deauthorization; providing for the design of the license plate; providing for the administration of the annual use fees generated by the license plate by the St. Johns River and South Florida Water Management Districts; providing restrictions; providing legislative intent with respect to use of the revenues; providing an effective date.

—a companion measure, was substituted for **CS for SB's 136 and 1716** and by two-thirds vote read the second time by title. On motion by Senator Grogan, by two-thirds vote **CS for CS for HB 227** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Grogan, by unanimous consent—

CS for CS for HB 179—A bill to be entitled An act relating to motor vehicle license plates; providing for the issuance of Florida arts license plates; providing for fees and for the deposit and use of such fees; providing for deauthorization based on sales; amending s. 320.08, F.S.; defining antique motorcycles; providing for fees; amending s. 320.0805, F.S.; providing for the use of historical Florida license plates on antique motorcycles; providing a prestige license fee for such motorcycles; amending s. 320.131, F.S.; increasing a fee charged for temporary tags; providing for distribution of new proceeds to the Impaired Drivers and Speeders Trust Fund; providing effective dates.

—was taken up out of order and by two-thirds vote read the second time by title.

Senator Crist moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 6, strike all of lines 3-20 and renumber subsequent section.

And the title is amended as follows:

In title, on page 1, strike all of lines 12-15 and insert: motorcycles;

On motion by Senator Grogan, by two-thirds vote **CS for CS for HB 179** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Jones, by two-thirds vote **CS for HB 1949** was withdrawn from the Committees on Criminal Justice, Judiciary and Appropriations.

On motions by Senator Jones, the rules were waived and by two-thirds vote—

CS for HB 1949—A bill to be entitled An act relating to domestic violence and repeat violence; creating s. 741.28, F.S.; providing definitions; amending s. 741.29, F.S.; revising guidelines with respect to investigation of domestic violence incidents; requiring that report furnished by a law enforcement agency to a domestic violence center include a narrative description of the incident; amending s. 741.2901, F.S.; providing intent that indirect criminal contempt may no longer be used to enforce compliance with injunctions for protection; conforming cross references; amending s. 741.2092, F.S.; providing intent that civil contempt be used to enforce compliance with an injunction unless injunction violation is criminal under s. 741.31, F.S.; amending s. 741.30, F.S.; providing for a system of statewide and circuitwide verification of injunctions for protection against domestic violence and repeat violence; providing for law enforcement officers to serve injunctions for protection against domestic violence under certain circumstances; revising the procedures under which the court may enforce an injunction for protection; deleting a provision that such enforcement may include imposition of a fine; providing

that such enforcement may include imposition of a monetary assessment; providing for collection and transfer of such assessments; providing for a person who violates an injunction to be held in custody until admitted to bail; providing that an ex parte temporary injunction may not be effective for longer than 15 days; amending s. 741.31, F.S.; providing additional acts that constitute a criminal violation of an injunction for protection against domestic violence; providing a penalty; amending s. 784.046, F.S.; revising provisions relating to injunctions against repeat violence; providing for law enforcement officers to serve injunctions for protection against repeat violence under certain circumstances; providing for a statewide verification system; revising the procedures under which the court may enforce an injunction against repeat violence; deleting a provision that such enforcement may include imposition of a fine; providing that such enforcement may include imposition of a monetary assessment; providing for collection and transfer of such assessments; providing for a person who violates an injunction to be held in custody until admitted to bail; providing that an ex parte temporary injunction may not be effective for longer than 15 days; amending s. 943.05, F.S.; providing duties of the Division of Criminal Justice Information Systems with respect to the statewide verification system; amending s. 61.13, F.S.; providing that certain convictions for domestic violence shall be considered by the court as a rebuttable presumption of detriment to the child with respect to shared parental responsibility; providing for the effect of not rebutting such a presumption; reenacting s. 44.102(2)(b), F.S.; relating to court-ordered mediation, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; creating a Commission on Minimum Standards for Batterers' Treatment within the Office of the Governor; providing for appointment; providing duties; providing for a report; amending s. 28.101, F.S.; imposing an additional charge upon petition for dissolution of marriage; providing for deposit and use of such funds; reenacting s. 410.30(5)(b), F.S., relating to Displaced Homemaker Trust Fund, to incorporate the amendment to s. 28.101, F.S., in a reference thereto; amending ss. 39.001, 39.076, 110.1127, 242.335, 393.0655, 394.457, 397.451, 400.512, 402.305, 409.175, 464.018, 787.03, and 944.705, F.S., to conform cross references; amending s. 901.15, F.S.; relating to arrests without warrants for injunctive violations to conform cross references and clarify language; reenacting s. 415.606, F.S., relating to referrals to domestic violence centers, to incorporate the amendments to s. 741.29, F.S., in a reference thereto; reenacting ss. 784.048(4), and 901.15(6) and (8), F.S., penalties for violations of injunctions for protection against repeat violence, and arrests without warrants for injunctive violations, to incorporate the amendments to ss. 741.30 and 784.046, F.S., in references thereto; amending s. 415.602, F.S.; amending definitions relating to ss. 415.601-415.608, F.S.; amending s. 415.603, F.S.; amending duties of the Department of Health and Rehabilitative Services relating to domestic violence, including directing the department to develop by rule criteria for the certification and funding of domestic violence centers and directing the department to contract with a statewide association to provide for specified services; amending s. 415.605, F.S.; expanding the list of services that a domestic violence center must offer in order to be certified; amending s. 415.608, F.S.; clarifying the circumstances in which confidential information may be released; reenacting ss. 282.502(5) and (6), F.S., relating to information system coordinating council, to incorporate the amendments to s. 415.608, F.S., in a reference thereto; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 2132 and by two-thirds vote read the second time by title.

Senator Grogan moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 741.28, Florida Statutes, is created to read:

741.28 Domestic violence; definitions.—As used in ss. 741.28-741.31, the term:

(1) "Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(2) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

(3) "Department" means the Department of Law Enforcement.

(4) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.

Section 2. Subsections (1) and (2) of section 741.29, Florida Statutes, are amended to read:

741.29 Domestic violence; investigation of incidents; notice to victims of legal rights and remedies; reporting.—

(1) Any law enforcement officer who investigates an alleged incident of domestic violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the ~~department~~ Florida Department of Law Enforcement. ~~As necessary, the department of Law Enforcement shall, on or before January 1, 1992, revise the Legal Rights and Remedies Notice to Victims to include a general summary of s. 741.30 using simple English as well as Spanish, and shall distribute the notice same copy as a model form to be used by all law enforcement agencies throughout the state.~~ The notice shall include:

(a) The resource listing, including telephone number, for the area domestic violence center designated by the Department of Health and Rehabilitative Services; and

(b) A copy of the following statement: "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of your minor child or children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

(2) When a law enforcement officer investigates an allegation that an incident of domestic violence, ~~as defined in s. 741.30~~, has occurred, the officer shall handle the incident pursuant to the arrest policy provided in s. 901.15(7)(a), and as developed in accordance with subsections (3), (4), and (5). Whether or not an arrest is made, the officer shall make a written police report ~~as part of the field arrest and incident reporting form and as prescribed by the department of the alleged incident which clearly indicates indicating, as prescribed by the Florida Department of Law Enforcement~~; that the alleged offense was an incident of domestic violence. Such report ~~must~~ shall include:

(a) A description of physical injuries observed, if any;

(b) If an arrest was not made, an indication by the law enforcement officer, in writing, of the reasons why an arrest was not made.

(c) A statement which indicates ~~and the reasons if no arrest was made, and shall indicate~~ that a copy of the legal rights and remedies notice was given to the victim.

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged domestic violence. The officer shall submit the report to the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement ~~agency officer's supervisor~~ shall, without charge, send a copy of the initial police report, which excludes victim/witness statements or other materials deemed to be a part of an active criminal investigation as defined in s. 119.07(3)(d), to the nearest locally certified domestic violence center within 24 hours ~~after~~ of the agency's receipt of the report. ~~The report furnished to the domestic violence center must include a narrative description of the domestic violence incident.~~

Section 3. Subsections (2) and (3) of section 741.2901, Florida Statutes, are amended to read:

741.2901 Domestic violence cases; prosecutors; legislative intent; investigation; duty of circuits; first appearance.—

(2) It is the intent of the Legislature that domestic violence be treated as an illegal act rather than a private matter, *and for that reason, indirect criminal contempt may no longer be used to enforce compliance with injunctions for protection against domestic violence.* ~~and that~~ The state attorney in each circuit *shall* adopt a pro-prosecution policy for acts of domestic violence, as defined in s. 741.28 741.30. The filing, ~~or~~ nonfiling, *or diversion* of criminal charges shall be determined by these specialized prosecutors over the objection of the victim, if necessary.

(3) Prior to a defendant's first appearance in any charge of domestic violence as defined in s. 741.28 741.30, the State Attorney's Office shall perform a thorough investigation of the defendant's history, including, but not limited to: prior arrests for domestic violence, prior arrests for nondomestic charges, prior injunctions for protection against domestic and repeat violence filed listing the defendant as respondent and noting history of other victims, and prior walk-in domestic complaints filed against the defendant. This information shall be presented at first appearance, when setting bond, and when passing sentence, for consideration by the court.

Section 4. Subsection (2) of section 741.2902, Florida Statutes, is amended to read:

741.2902 Domestic violence; legislative intent with respect to judiciary's role.—

(2) It is the intent of the Legislature, with respect to injunctions for protection against domestic violence, issued pursuant to s. 741.30, that the court shall:

(a) Recognize that the petitioner's safety may require immediate removal of the respondent from their joint residence.

(b) Ensure that the parties have a clear understanding of the terms of the injunction and the penalties for failure to comply.

(c) Ensure that the parties have knowledge of legal rights and remedies including, but not limited to, visitation, child support, retrieving property, and counseling.

(d) Consider temporary child support when the pleadings raise the issue and in the absence of other support orders.

(e) Consider supervised visitation, withholding visitation, or other arrangements for visitation that will best protect the child and petitioner from harm.

(f) Consider requiring the respondent to pay, to the clerk of the court, filing fees and costs waived pursuant to s. 741.30(2)(3)(a), or to reimburse the petitioner for filing fees and costs paid by the petitioner.

(g) *Enforce, through a civil contempt proceeding, a violation of an injunction for protection against domestic violence which is not a criminal violation under s. 741.31.*

Section 5. Section 741.30, Florida Statutes, is amended to read:

741.30 Domestic violence; injunction; powers and duties of court and clerk; petition; notice and hearing; temporary injunction; issuance of injunction; *statewide verification system*; enforcement.—

(1) ~~As used in this section, the term:~~

(a) ~~"Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.~~

(b) ~~"Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together, as if a family, or who have resided together in the past, as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.~~

(2) There is created a cause of action for an injunction for protection against domestic violence.

(a) Any person described in paragraph (e), who is the victim of any act of domestic violence, or has reasonable cause to believe he or she is about to become the victim of any act of domestic violence, has standing in the circuit court to file a sworn petition for an injunction for protection against domestic violence.

(b) This cause of action for an injunction may be sought whether or not any other cause of action is currently pending between the parties. However, the pendency of any such cause of action shall be alleged in the petition.

(c) In the event a subsequent cause of action is filed under chapter 61, any orders entered therein shall take precedence over any injunction issued under this section.

(d) A person's right to petition for an injunction shall not be affected by such person having left a residence or household to avoid domestic violence.

(e) This cause of action for an injunction may be sought by family or household members ~~as defined in paragraph (b) of subsection (1).~~ No person shall be precluded from seeking injunctive relief pursuant to this chapter solely on the basis that such person is not a spouse.

(f) This cause of action for an injunction shall not require that the petitioner be represented by an attorney.

(g) Nothing in this section shall affect the title to any real estate.

(h) The court is prohibited from issuing mutual orders of protection unless:

1. Both parties have filed a petition for an injunction against domestic violence in accordance with subsection (3)(4).

2. The sworn petition has been served upon the original petitioner in accordance with subsection (4)(5).

3. Both parties personally appear.

4. The court specifically finds that each party seeking such order meets the criteria as defined in paragraph (2)(a).

(2)(3)(a) In the event the victim does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit stating so, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

(b) No bond shall be required by the court for the entry of an injunction.

(c)1. The clerk of the court shall assist petitioners in seeking injunctions for protection against domestic violence.

2. All clerks' offices shall provide simplified petition forms including instructions for completion.

3. The clerk of the court shall advise petitioners of the availability of affidavits of insolvency or indigence in lieu of payment for the cost of the filing fee, as provided in paragraph (a).

4. The clerk of the court shall ensure the petitioner's privacy to the extent practical while completing the forms for injunctions for protection against domestic violence.

5. The clerk of the court shall provide petitioners with a minimum of two certified copies of the order of injunction, one of which is serviceable and will inform the petitioner of the process for service and enforcement.

6. Clerks of court and appropriate staff in each county shall receive training in the effective assistance of petitioners as provided or approved by the Florida Association of Court Clerks.

7. The clerk of the court in each county shall make available informational brochures on domestic violence when such brochures are provided by local certified domestic violence centers.

8. The clerk of the court in each county shall distribute a statewide uniform informational brochure to petitioners at the time of filing for an injunction for protection against domestic or repeat violence when such brochures become available.

(3)(4)(a) The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought.

(b) The sworn petition shall be in substantially the following form:

PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner . . . (Name) . . ., who has been sworn and says that the following statements are true:

- (a) Petitioner resides at: . . . (address) . . .
- (b) Respondent resides at: . . . (last known address) . . .
- (c) Respondent's last known place of employment: . . . (name of business and address) . . .
- (d) Physical description of respondent: . . .
- Race. . . .
- Sex. . . .
- Date of birth. . . .
- Height. . . .
- Weight. . . .
- Eye color. . . .
- Hair color. . . .
- Distinguishing marks or scars. . . .
- (e) Aliases of respondent:

(f) Respondent is the spouse or former spouse of the petitioner or is any other person related by blood or marriage to the petitioner or is any other person who is or was residing within a single dwelling unit with the petitioner, as if a family, or is a person with whom the petitioner has a child in common, regardless of whether the petitioner and respondent are or were married or residing together, as if a family.

(g) The following describes any other cause of action currently pending between the petitioner and respondent:

The petitioner should also describe any previous or pending attempts by the petitioner to obtain an injunction for protection against domestic violence in this or any other circuit, and the results of that attempt.....

Case numbers should be included if available.

(h) Petitioner has suffered or has reasonable cause to fear domestic violence because respondent has:

(i) Petitioner alleges the following additional specific facts: (mark appropriate sections)

. . . . Petitioner is the custodian of a minor child or children whose names and ages are as follows:

. . . . Petitioner needs the exclusive use and possession of the dwelling that the parties share.

. . . . Petitioner is unable to obtain safe alternative housing because:

. . . . Petitioner genuinely fears that respondent will abuse, remove, or hide the minor child or children from petitioner because:

(j) Petitioner genuinely fears domestic violence by respondent.

(k) Petitioner seeks an injunction: (mark appropriate section or sections)

. . . . Immediately restraining the respondent from committing any acts of domestic violence.

. . . . Restraining the respondent from committing any acts of domestic violence.

. . . . Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

. . . . Awarding temporary custody of, or temporary visitation rights with regard to, the minor child or children of the parties.

. . . . Establishing temporary support for the minor child or children or the petitioner.

. . . . Directing the respondent to participate in a batterer's intervention program or other treatment pursuant to s. 415.601.

. . . . Providing any terms the court deems necessary for the protection of a victim of domestic violence, including any injunctions or directives to law enforcement agencies.

(4)(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, financial affidavit, if any, notice of hearing, and temporary injunction, if any, prior to the hearing.

(5)(6)(a) When it appears to the court that an immediate and present danger of domestic violence exists, the court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the temporary exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in s. 61.13(2), (3), (4), and (5), granting to the petitioner temporary custody of a minor child or children.

(b) In a hearing ex parte for the purpose of obtaining such ex parte temporary injunction, no evidence other than verified pleadings or affidavits shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 30 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing for good cause shown by any party.

(6)(7)(a) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

1. Restraining the respondent from committing any acts of domestic violence.

2. Awarding to the petitioner the exclusive use and possession of the dwelling that the parties share or excluding the respondent from the residence of the petitioner.

3. On the same basis as provided in chapter 61, awarding temporary custody of, or temporary visitation rights with regard to, a minor child or children of the parties.

4. On the same basis as provided in chapter 61, establishing temporary support for a minor child or children or the petitioner.

5. Ordering the respondent to participate in treatment or counseling services.

6. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.

(b) Any relief granted by the injunction shall be granted for a fixed period not to exceed 1 year, unless upon petition of the victim the court extends the injunction for successive fixed periods not to exceed 1 year. Such relief may be granted in addition to other civil or criminal remedies.

(c) A temporary or final judgment on injunction for protection against domestic violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

(d) With regard to mutual orders of protection:

1. The court is required to set forth written findings of fact and conclusions of law in any mutual order of protection that is issued. The provisions of such mutual orders shall be stated with sufficient specificity to enable any law enforcement officer to determine which party has violated the order if such occasions shall arise.

2. The fact that a mutual order of protection is granted shall not be legally sufficient to deny any remedy to petitioner or counter-petitioner or to prove that the parties are equally at fault or equally endangered.

(7)(9)(a)1. The clerk of the court shall furnish a copy of the petition, financial affidavit, if any, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. *Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service. A law enforcement agency serving injunctions pursuant to this section shall use service and verification procedures consistent with those of the sheriff.*

2.(b) When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution or service of the injunction. *A law enforcement officer The sheriffs of the State of Florida and their deputies shall accept a copy of an injunction for protection against domestic violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.*

(c) *A copy of the injunction shall be forwarded by the clerk of court within 24 hours after its entry to the local law enforcement agency with jurisdiction over the residence of the petitioner. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any such injunction.*

If the respondent has been served previously with the temporary injunction and has failed to appear at the initial hearing on the temporary injunction, any subsequent petition for injunction seeking an extension of time may be served on the respondent by the clerk of the court by certified mail in lieu of personal service by a law enforcement officer ~~the sheriff~~.

(b) *There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.*

(c)1. *Within 24 hours after the court issues an injunction for protection against domestic violence or changes or vacates an injunction for protection against domestic violence, the clerk of the court must forward a copy of the injunction for service to the sheriff with jurisdiction over the residence of the petitioner. The injunction must be served in accordance with subsection (7).*

2. *Within 24 hours after service of process of an injunction for protection against domestic violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.*

3. *Within 24 hours after the sheriff receives both a copy of the injunction for protection against domestic violence and written proof of service of process upon the respondent, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.*

4. *Within 24 hours after an injunction for protection against domestic violence is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.*

(8)(9)(a) ~~The court shall enforce, through a civil or indirect criminal contempt proceeding, a violation of an injunction for protection which is not a criminal violation under s. 741.31. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Displaced Homemaker Trust Fund established in s. 410.30 proceedings compliance by the respondent with the injunction, which enforcement may include the imposition of a fine. Any such fine shall be collected and disbursed to the trust fund established in s. 741.01.~~

(b) ~~If in the event the respondent is arrested by a law enforcement officer under the authority of s. 901.15(6) or for a violation of s. 741.31, the respondent shall be held in custody until and brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance. The respondent may be admitted to bail in accordance with the provisions of chapter 903 and the applicable rules of criminal procedure, pending a hearing.~~

(9)(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

Section 6. Section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—~~A Any person who willfully violates the provisions of an injunction for protection against domestic violence, issued pursuant to s. 741.30, by:~~

- (1) Refusing to vacate the dwelling that the parties share;
- (2) Returning to the dwelling or the property that the parties share;
- (3) Committing an act of domestic violence against the petitioner; or
- (4) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner, coupled with an apparent ability to do so, and through doing some act that creates a well-founded fear that such violence is imminent

~~is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 or returning to said property, shall, in addition to any penalty which may be imposed through contempt of court proceedings, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 7. Paragraph (b) of subsection (3), paragraph (c) of subsection (6), and subsections (8) and (9) of section 784.046, Florida Statutes, are amended to read:

784.046 Action by victim of repeat violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.—

- (1) As used in this section, the term:

(a) "Violence" means any assault, battery, or sexual battery by a person against any other person.

(b) "Repeat violence" means two incidents of violence committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner's immediate family member.

- (3)

(b) In the event the person desiring to file for an injunction pursuant to this section does not have sufficient funds with which to pay filing fees to the clerk of the court or service fees to the sheriff or law enforcement agency and signs an affidavit so stating, the fees shall be waived by the clerk of the court or the sheriff or law enforcement agency to the extent necessary to process the petition and serve the injunction, subject to a subsequent order of the court relative to the payment of such fees.

- (6)

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 30 days. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who ~~and the sheriff~~ shall serve it upon the respondent as soon thereafter as possible. *Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee.*

2.(b) When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an injunction for protection against repeat violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) *There shall be created a Domestic and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.*

(c)1. *Within 24 hours after the court issues an injunction for protection against repeat violence or changes or vacates an injunction for protection against repeat violence, the clerk of the court must forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.*

2. *Within 24 hours after service of process of an injunction for protection against repeat violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.*

3. *Within 24 hours after the sheriff receives both a copy of the injunction for protection against repeat violence and written proof of service of process upon the respondent, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.*

4. *Within 24 hours after an injunction for protection against repeat violence is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.*

~~(e) A copy of the injunction shall be forwarded by the clerk of court, within 24 hours after its entry, to the local law enforcement agency with jurisdiction over the residence of the petitioner. Each appropriate law enforcement agency shall make available to other law enforcement officers, through a system for verification, information as to the existence and status of any such injunction.~~

(9)(a) The court shall enforce, through a civil contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21 ~~proceedings compliance by the respondent with the injunction, which enforcement may include the imposition of a fine. Any such fine shall be collected and disbursed to the Crimes Compensation Trust Fund established in s. 960.21.~~

(b) ~~If in the event~~ the respondent is arrested by a law enforcement peace officer under the authority of s. 901.15(8) for committing an act of repeat violence in violation of a repeat violence injunction for protection, the respondent shall be held in custody until and brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

Section 8. Paragraph (g) is added to subsection (2) of section 943.05, Florida Statutes, to read:

943.05 Division of Criminal Justice Information Systems; duties; crime reports.—

(2) The division shall:

(g) *Establish, implement, and maintain a Domestic and Repeat Violence Injunction Statewide Verification System capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any such injunction for verification purposes.*

Section 9. Paragraph (b) of subsection (2) of section 61.13, Florida Statutes, is amended to read:

61.13 Custody and support of children; visitation rights; power of court in making orders.—

(2)

(b)1. The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child and in accordance with the Uniform Child Custody Jurisdiction Act. It is the public policy of this state to assure that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities of childrearing. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child.

2. The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child. The court shall consider evidence of spousal or child abuse as evidence of detriment to the child. *The court shall consider evidence that a parent has been convicted of a felony of the second degree or higher involving domestic violence as defined in s. 741.28 and chapter 775, as a rebuttable presumption of detriment to the child. If the presumption is not rebutted, shared parental responsibility, including visitation, residence of the child, and decisions made regarding the child, shall not be granted to the convicted parent. However, the convicted parent shall not be relieved of any obligation to provide financial support.* If the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for visitation as will best protect the child or abused spouse from further harm.

a. In ordering shared parental responsibility, the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include primary residence, education, medical and dental care, and any other responsibilities which the court finds unique to a particular family.

b. The court shall order "sole parental responsibility, with or without visitation rights, to the other parent when it is in the best interests of" the minor child.

c. The court may award the grandparents visitation rights of a minor child if it is in the child's best interest. Grandparents shall have legal standing to seek judicial enforcement of such an award. Nothing in this section shall require that grandparents be made parties or given notice of dissolution pleadings or proceedings, nor shall grandparents have legal standing as "contestants" as defined in s. 61.1306. No court shall order that a child be kept within the state or jurisdiction of the court solely for the purpose of permitting visitation by the grandparents.

3. Access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records, shall not be denied to a parent because such parent is not the child's primary residential parent.

Section 10. For the purpose of incorporating the amendment to section 61.13, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 44.102, Florida Statutes, is reenacted to read:

44.102 Court-ordered mediation.—

(2) A court pursuant to rules adopted by the Supreme Court:

(b) In circuits in which a family mediation program has been established and upon a court finding of a dispute, shall refer to mediation all or part of custody, visitation, or other parental responsibility issues as defined in s. 61.13. A court shall not refer any case to mediation if it finds there has been a significant history of domestic abuse which would compromise the mediation process.

Section 11. Commission on Minimum Standards for Batterers' Treatment.—

(1) The Legislature finds that there is a strong correlation between domestic violence incidents and substance abuse and that a battering incident which is coupled with substance abuse may be more severe and result in greater injury.

(2) There is hereby established in the Office of the Governor a Commission on Minimum Standards for Batterers' Treatment. The commission shall be composed of the following persons appointed by the Governor: two persons with expertise in the treatment of batterers, one person from a state-certified domestic violence center, one state attorney designee, one public defender designee, one certified addictions treatment professional, and one person from a state or county probation program. The Governor may appoint up to four additional persons to serve on the commission.

(3) Members of the commission shall serve from July 1, 1994, until the adjournment sine die of the regular legislative session held in 1995. Members of the commission shall serve without compensation but shall be reimbursed for per diem and travel expenses in accordance with section 112.061, Florida Statutes.

(4) It shall be the duty of the commission to set minimum standards for batterers' treatment programs, which must address:

- (a) Standards of care for treatment providers.
- (b) General program policies and procedures.
- (c) Education and training requirements for staff.
- (d) Intervention approaches.
- (e) Intervention standards.
- (f) Discharge criteria.
- (g) Program monitoring and evaluation requirements.
- (h) The correlation between substance abuse and domestic violence.

The commission shall develop minimum standards which assure that batterers will receive services that hold them accountable for their actions. The commission shall design ways to promote interagency and provider communications.

(5) The commission shall submit its final report to the Governor no later than December 31, 1994.

Section 12. Section 28.101, Florida Statutes, is amended to read:

28.101 Petitions and records of dissolution of marriage; additional charges.—

(1) When a party petitions for a dissolution of marriage, *in addition to the filing charges in s. 28.241*, the clerk shall collect and receive:

(a) A charge of \$5 ~~in addition to the filing charges in s. 28.241~~. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this ~~paragraph subsection~~ to the Department of Health and Rehabilitative Services for deposit in the Child Welfare Training Trust Fund created in s. 402.40.

~~(b)(2) The clerk shall also collect and receive A charge of \$5. in addition to the filing charges in subsection (1) and s. 28.241 and, On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph subsection to the State Treasury for deposit in the Displaced Homemaker Trust Fund created in s. 410.30. If a petitioner does not have sufficient funds with which to pay this fee and signs an affidavit so stating, all or a portion of the fee shall be waived subject to a subsequent order of the court relative to the payment of the fee.~~

(c) A charge of \$18. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Marriage License Fees Trust Fund. Such moneys shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding domestic violence centers.

(3) Upon receipt of a final judgment of dissolution of marriage for filing, and in addition to the filing charges in s. 28.241, the clerk shall collect and receive a service charge of \$7 pursuant to s. 382.023 for the recording and reporting of such final judgment of dissolution of marriage to the Department of Health and Rehabilitative Services.

Section 13. For the purpose of incorporating the amendment to section 28.101, Florida Statutes, in a reference thereto, paragraph (b) of subsection (5) of section 410.30, Florida Statutes, is reenacted to read:

410.30 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(5) DISPLACED HOMEMAKER TRUST FUND.—

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

Section 14. Paragraph (c) of subsection (2) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(2) The Department of Health and Rehabilitative Services may contract with the Federal Government, other state departments and agencies, county and municipal governments and agencies, public and private agencies, and private individuals and corporations in carrying out the purposes of, and the responsibilities established in, this chapter.

(c) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);

2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or s. 415.503(6) which has been uncontested or has been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

3. Has not committed an act which constitutes domestic violence as defined in s. 741.28 741.30.

Section 15. Paragraph (d) of subsection (4) of section 39.076, Florida Statutes, is amended to read:

39.076 Departmental contracting powers; personnel standards and screening.—

(4) Standards for screening shall also ensure that the person:

(d) Has not committed an act which constitutes domestic violence as defined in s. 741.28 741.30.

Section 16. Paragraph (a) of subsection (3) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(3)(a) Within the Department of Health and Rehabilitative Services, all positions in programs providing care to children or the developmentally disabled for 15 hours or more per week are deemed to be positions of special trust or responsibility, and a person shall be disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

- a. Section 782.04, relating to murder.
- b. Section 782.07, relating to manslaughter.
- c. Section 782.071, relating to vehicular homicide.
- d. Section 782.09, relating to killing of an unborn child by injury to the mother.

- e. Section 784.011, relating to assault, if the victim of the offense was a minor.
 - f. Section 784.021, relating to aggravated assault.
 - g. Section 784.03, relating to battery, if the victim of the offense was a minor.
 - h. Section 784.045, relating to aggravated battery.
 - i. Section 787.01, relating to kidnapping.
 - j. Section 787.02, relating to false imprisonment.
 - k. Section 787.04, relating to removing minors from the state or concealing minors contrary to court order.
 - l. Section 794.011, relating to sexual battery.
 - m. Chapter 796, relating to prostitution.
 - n. Section 798.02, relating to lewd and lascivious behavior.
 - o. Chapter 800, relating to lewdness and indecent exposure.
 - p. Section 806.01, relating to arson.
 - q. Section 812.13, relating to robbery.
 - r. Section 826.04, relating to incest.
 - s. Section 827.03, relating to aggravated child abuse.
 - t. Section 827.04, relating to child abuse.
 - u. Section 827.05, relating to negligent treatment of children.
 - v. Section 827.071, relating to sexual performance by a child.
 - w. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
 - x. Chapter 847, relating to obscene literature.
 - y. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
 - z. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony; or
2. Having had a finding of delinquency or having entered a plea of nolo contendere or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, regardless of adjudication or disposition. For the purposes of this subsection, such a finding or plea has the same effect as a finding of guilt; or
3. Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01; or
4. Having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
5. Having committed an act which constitutes domestic violence as defined in s. 741.28 741.30.
- Section 17. Paragraph (a) of subsection (3) of section 242.335, Florida Statutes, is amended to read:
- 242.335 Personnel screening; Florida School for the Deaf and the Blind.—
- (3)(a) An employee or applicant for a position in a program providing care to enrolled students may be terminated from or disqualified for employment in any such position by reason of:
- 1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:
 - a. Section 782.04, relating to murder.
 - b. Section 782.07, relating to manslaughter.
 - c. Section 782.071, relating to vehicular homicide.
 - d. Section 782.09, relating to killing of an unborn child by injury to the mother.
 - e. Section 784.011, relating to assault, if the victim of the offense was a minor.
 - f. Section 784.021, relating to aggravated assault.
 - g. Section 784.03, relating to battery, if the victim of the offense was a minor.
 - h. Section 784.045, relating to aggravated battery.
 - i. Section 787.01, relating to kidnapping.
 - j. Section 787.02, relating to false imprisonment.
 - k. Section 787.04, relating to removing minors from the state or concealing minors contrary to court order.
 - l. Section 794.011, relating to sexual battery.
 - m. Chapter 796, relating to prostitution.
 - n. Section 798.02, relating to lewd and lascivious behavior.
 - o. Chapter 800, relating to lewdness and indecent exposure.
 - p. Section 806.01, relating to arson.
 - q. Section 812.13, relating to robbery.
 - r. Section 826.04, relating to incest.
 - s. Section 827.03, relating to aggravated child abuse.
 - t. Section 827.04, relating to child abuse.
 - u. Section 827.05, relating to negligent treatment of children.
 - v. Section 827.071, relating to sexual performance by a child.
 - w. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
 - x. Chapter 847, relating to obscene literature.
 - y. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
 - z. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony;
 - 2. Having had a finding of delinquency or having entered a plea of nolo contendere or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II of chapter 39, or similar statutes of other jurisdictions, for any of the acts set forth in subparagraph 1., regardless of adjudication or disposition. For the purposes of this subparagraph, such a finding or plea has the same effect as a finding of guilt;
 - 3. Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);
 - 4. Having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or
 - 5. Having committed an act which constitutes domestic violence as defined in s. 741.28 741.30.
- Section 18. Paragraph (c) of subsection (2) of section 393.0655, Florida Statutes, is amended to read:
- 393.0655 Screening of caretakers.—
- (2) SCREENING STANDARDS.—Standards for screening shall also ensure that the person:
- (c) Has not committed an act which constitutes domestic violence as defined in s. 741.28 741.30.
- Section 19. Paragraph (b) of subsection (6) of section 394.457, Florida Statutes, is amended to read:
- 394.457 Operation and administration.—

(6) SCREENING OF MENTAL HEALTH PERSONNEL.—

(b) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or
2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or
3. Has not committed an act which constitutes domestic violence as defined in s. 741.28 741.30.

Section 20. Paragraph (b) of subsection (3) of section 397.451, Florida Statutes, is amended to read:

397.451 Background checks of service provider personnel who have direct contact with unmarried minor clients or clients who are developmentally disabled.—

(3) MINIMUM BACKGROUND CHECK STANDARDS.—

(b) Standards for background checks must also ensure that the personnel:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37);
2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5), or abuse or neglect as defined in s. 415.503(6), which has been uncontested or upheld pursuant to the procedures of s. 415.103, or s. 415.504; or
3. Has not committed an act that constitutes domestic violence as defined in s. 741.28 741.30.

Section 21. Paragraph (c) of subsection (2) of section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel, nurse registry personnel, and sitters, companions, and homemakers.—The Agency for Health Care Administration shall establish minimum standards of good moral character for home health agency personnel, persons referred for employment by nurse registries, and persons employed by sitter, companion, or homemaker services registered under s. 400.509.

(2) Standards must also ensure that the person:

- (c) Has not committed an act that constitutes domestic violence as defined in s. 741.28 741.30.

Section 22. Paragraph (b) of subsection (2) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(b) Standards for screening shall also ensure that the person:

1. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or
2. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or
3. Has not committed an act which constitutes domestic violence as defined in s. 741.28 741.30.

Section 23. Paragraph (a) of subsection (4) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(4)(a) The department shall adopt and amend licensing rules for family foster homes, residential child-caring agencies, and child-placing agencies. The department may also adopt rules relating to the screening requirements for summer day camps and summer 24-hour camps. The requirements for licensure and operation of family foster homes, residential child-caring agencies, and child-placing agencies shall include:

1. The operation, conduct, and maintenance of these homes and agencies and the responsibility which they assume for children served and the evidence of need for that service.
2. The provision of food, clothing, educational opportunities, services, equipment, and individual supplies to assure the healthy physical, emotional, and mental development of the children served.
3. The appropriateness, safety, cleanliness, and general adequacy of the premises, including fire prevention and health standards, to provide for the physical comfort, care, and well-being of the children served.
4. The ratio of staff to children required to provide adequate care and supervision of the children served and, in the case of foster homes, the maximum number of children in the home.
5. The education, training, and experience requirements of persons responsible for the care and well-being of the children served.
6. The good moral character based upon screening, education, training, and experience requirements for personnel. At a minimum, screening shall ensure that no personnel at a child-placing agency, family foster home, residential child-caring agency, summer day camp, or summer 24-hour camp providing care for children have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:
 - a. Section 782.04, relating to murder.
 - b. Section 782.07, relating to manslaughter.
 - c. Section 782.071, relating to vehicular homicide.
 - d. Section 782.09, relating to killing of an unborn child by injury to the mother.
 - e. Section 784.011, relating to assault, if the victim of the offense was a minor.
 - f. Section 784.021, relating to aggravated assault.
 - g. Section 784.03, relating to battery, if the victim of the offense was a minor.
 - h. Section 784.045, relating to aggravated battery.
 - i. Section 787.01, relating to kidnapping.
 - j. Section 787.02, relating to false imprisonment.
 - k. Section 787.04, relating to removing minors from the state or concealing minors contrary to court order.
 - l. Section 794.011, relating to sexual battery.
 - m. Chapter 796, relating to prostitution.
 - n. Section 798.02, relating to lewd and lascivious behavior.
 - o. Chapter 800, relating to lewdness and indecent exposure.
 - p. Section 806.01, relating to arson.
 - q. Section 812.13, relating to robbery.
 - r. Section 826.04, relating to incest.
 - s. Section 827.03, relating to aggravated child abuse.
 - t. Section 827.04, relating to child abuse.
 - u. Section 827.05, relating to negligent treatment of children.
 - v. Section 827.071, relating to sexual performance by a child.
 - w. Section 415.111, relating to abuse, neglect, or exploitation of aged or disabled persons.
 - x. Chapter 847, relating to obscene literature.
 - y. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
 - z. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

For the purposes of this subparagraph, a finding of delinquency or a plea of nolo contendere or other plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or a similar statute of another jurisdiction, for any of the foregoing acts has the same effect as a finding of guilt, regardless of adjudication or disposition.

7. Standards for screening shall also ensure that the person:

a. Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or

b. Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld pursuant to the procedures of s. 415.103 or s. 415.504; or

c. Has not committed an act which constitutes domestic violence as defined in s. 741.28 741.30.

8.a. For the following, the department may grant to any person an exemption from disqualification from working with children or the developmentally disabled:

(I) Felonies, other than specified felonies, prohibited under any of the foregoing Florida Statutes cited in subparagraph 6. or under similar statutes of other jurisdictions, committed more than 3 years previously. For the purposes of this sub-sub-subparagraph, "specified felony" means those felonies in the Florida Statutes enumerated in sub-subparagraphs 6.a., b., d., l., m., o., r., s., t., v., x., y., and z., or under similar statutes of another jurisdiction;

(II) Misdemeanors prohibited under any of the foregoing Florida Statutes cited in this paragraph or under similar statutes of other jurisdictions;

(III) Offenses which were a felony when committed but are now a misdemeanor;

(IV) Findings of delinquency as specified in this subsection;

(V) Judicial determinations of abuse or neglect under chapter 39;

(VI) Confirmed reports of abuse, neglect, or exploitation under chapter 415 which have been uncontested or have been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

(VII) Commissions of domestic violence.

b. In order to grant an exemption to a person, the department shall have clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the time period that has elapsed since the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of children. The decision of the department regarding an exemption may be contested through the hearing procedures set forth in chapter 120.

c. The disqualification from employment provided in subparagraph 6. shall not be removed from any person found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any felony covered by subparagraph 6. solely by reason of any pardon, executive clemency, or restoration of civil rights.

9. The provision of preservice and inservice training for all foster parents and agency staff.

10. Satisfactory evidence of financial ability to provide care for the children in compliance with licensing requirements.

11. The maintenance by the agency of records pertaining to admission, progress, health, and discharge of children served, including written case plans and reports to the department.

12. The provision for parental involvement to encourage preservation and strengthening of a child's relationship with his family.

13. The transportation safety of children served.

14. The provisions for safeguarding the cultural, religious, and ethnic values of a child.

15. Provisions to safeguard the legal rights of children served.

Section 24. Paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary action set forth in this section:

(e) Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01(2) and (37); or having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(6) which has been uncontested or upheld under the procedures of s. 415.103 or s. 415.504; or having committed an act which constitutes domestic violence as defined in s. 741.28 741.30.

Section 25. Subsection (6) of section 787.03, Florida Statutes, is amended to read:

787.03 Interference with custody.—

(6) This section shall not apply in cases where a spouse who is the victim of any act of domestic violence or who has reasonable cause to believe he or she is about to become the victim of any act of domestic violence, as defined in s. 741.28 741.30, or believes that his or her action was necessary to preserve the child or the incompetent person from danger to his welfare seeks shelter from such acts or possible acts and takes with him or her any child 17 years of age or younger.

Section 26. Subsection (3) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(3) Any inmate who claims to be a victim of domestic violence as defined in s. 741.28 741.30 shall receive, as part of the release orientation program, referral to the nearest domestic violence center certified under ss. 415.601-415.608.

Section 27. Subsection (7) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(7)(a) There is probable cause to believe that the person has committed an act of domestic violence, as defined in 741.28, ~~s. 741.30~~ or ~~has committed~~ child abuse, as defined in s. 827.04(2) and (3), and the law enforcement officer reasonably believes that there is danger of violence unless the person alleged to have committed the act of domestic violence battery or child abuse is arrested without delay.

(b) A law enforcement officer who acts in good faith and exercises due care in making an arrest ~~under~~ pursuant to this subsection is immune from civil liability that otherwise might result by reason of his action.

Section 28. For the purpose of incorporating the amendment to section 741.29, Florida Statutes, in a reference thereto, section 415.606, Florida Statutes, is reenacted to read:

415.606 Referral to centers and notice of rights.—Any law enforcement officer who investigates an alleged incident of domestic violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available in accordance with the provisions of s. 741.29.

Section 29. For the purpose of incorporating the amendments to sections 741.30 and 784.046, Florida Statutes, in references thereto, subsection (4) of section 784.048, Florida Statutes, and subsections (6) and (8) of section 901.15, Florida Statutes, are reenacted to read:

784.048 Stalking; definitions; penalties.—

(4) Any person who, after an injunction for protection against repeat violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows or harasses another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has knowingly committed an act in violation of an injunction for protection entered pursuant to s. 741.30 or s. 784.046, which creates a threat of imminent danger to the petitioner or household members, over the objection of the petitioner, if necessary.

(8) He has probable cause to believe that the person has knowingly committed an act of repeat violence in violation of an injunction for protection from repeat violence entered pursuant to s. 784.046.

Section 30. Section 415.602, Florida Statutes, is amended to read:

415.602 Definitions of terms used in ss. 415.601-415.608.—As used in ss. 415.601-415.608, the term:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "District" means a service district of the department as created in s. 20.19.

(3) "Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit or criminal sexual conduct by a person against the person's spouse.

(4) "Domestic violence center" means an agency that a facility which provides services to victims of domestic violence, as its primary mission.

(5) "Family or household member" means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time. ~~"Spouse" means a person to whom another person is married or a person to whom another person has been married and from whom such other person is now separated or divorced.~~

Section 31. Section 415.603, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 415.603, F.S., for present text.)

415.603 Duties and functions of the department with respect to domestic violence.—

(1) The department shall:

(a) Develop by rule criteria for the approval or rejection of certification or funding of domestic violence centers.

(b) Develop by rule minimum standards for domestic violence centers to ensure the health and safety of the clients in the centers.

(c) Receive and approve or reject applications for certification of domestic violence centers, and receive and approve or reject applications for funding of domestic violence centers.

(d) Evaluate each certified domestic violence center annually to ensure compliance with the minimum standards. The department has the right to enter and inspect the premises of certified domestic violence centers at any reasonable hour in order to effectively evaluate the state of compliance of these centers with ss. 415.601-415.608 and rules relating to those sections.

(e) Adopt rules to implement ss. 415.601-415.608.

(2) The department shall serve as a clearinghouse for information relating to domestic violence.

(3) The department shall enlist the assistance of public and voluntary health, education, welfare, and rehabilitation agencies in a concerted effort to prevent domestic violence and to treat persons engaged in or subject to domestic violence. With the assistance of these agencies, the department, within existing resources, shall formulate and conduct a research and evaluation program on domestic violence. Efforts on the part of these agencies to obtain relevant grants to fund this research and evaluation program must be supported by the department.

(4) The department shall develop and provide educational programs on domestic violence for the benefit of the general public, persons engaged in or subject to domestic violence, professional persons, or others who care for or may be engaged in the care and treatment of persons engaged in or subject to domestic violence.

(5) The department shall cooperate with, assist in, and participate in, programs of other properly qualified agencies, including any agency of the Federal Government, schools of medicine, hospitals, and clinics, in planning and conducting research on the prevention, care, treatment, and rehabilitation of persons engaged in or subject to domestic violence.

(6) The department shall contract with a statewide association whose primary purpose is to represent and provide technical assistance to domestic violence centers. This association shall receive 2 percent of the marriage license trust fund fees for this purpose.

Section 32. Paragraph (c) of subsection (1) of section 415.605, Florida Statutes, is amended to read:

415.605 Domestic violence centers.—

(1) In order to be certified under ss. 415.601-415.608, each domestic violence center must:

(c) Provide minimum services which include, but are not limited to, information and referral services, counseling and case management services, temporary emergency shelter for more than 24 hours, a 24-hour hotline, training for law enforcement personnel, assessment and appropriate referral of resident children, and educational services for community awareness relative to the incidence of domestic violence, the prevention of such violence, and the care, treatment, and rehabilitation for persons engaged in or subject to domestic violence.

Section 33. Section 415.608, Florida Statutes, is amended to read:

415.608 Confidentiality of information received by department or domestic violence center.—

(1) Information about clients received by the department or by authorized persons employed by or volunteering services to a domestic violence center, through files, reports, inspection, or otherwise, is confidential and exempt from the provisions of s. 119.07(1). Information about the location of domestic violence centers and facilities is confidential and exempt from the provisions of s. 119.07(1).

(2) Information about domestic violence center clients may not be disclosed without the written consent of the client to whom the information or records pertain. For the purpose of state law regarding searches and seizures, domestic violence centers shall be treated as private dwelling places. However, information about a client or the location of a domestic violence center may be given by at the discretion of center staff or volunteers in an emergency to law enforcement, firefighting, medical, or other emergency personnel in the following circumstances:

(a) To medical personnel in a medical emergency.

(b) Upon a court order based upon an application by a law enforcement officer for a criminal arrest warrant which alleges that the individual sought to be arrested is located at the domestic violence shelter.

(c) Upon a search warrant that specifies the individual or object of the search and alleges that the individual or object is located at the shelter.

(d) To firefighting personnel in a fire emergency.

(e) To any other person necessary to maintain the safety and health standards in the domestic violence shelter.

(f) Information solely about the location of the domestic violence shelter may be given to those with whom the agency has an established business relationship.

These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(3) The restriction on the disclosure or use of the information about domestic violence center clients does not apply to:

(a) Communications from domestic violence shelter staff or volunteers to law enforcement officers when the information is directly related to a client's commission of a crime or threat to commit a crime on the premises of a domestic violence shelter; or

(b) *Reporting suspected abuse of a child or a vulnerable adult as required by law. However, when cooperating with protective investigation services staff, the domestic violence shelter staff and volunteers must protect the confidentiality of other clients at the domestic violence center.*

Section 34. For the purpose of incorporating the amendments to section 415.608, Florida Statutes, in a reference thereto, subsections (5) and (6) of section 282.502, Florida Statutes, are reenacted to read:

282.502 Information system coordinating council; creation; membership; duties.—

(5) Subject to the following conditions, information that identifies a person and is subject to statutory provisions which impose confidentiality, nondisclosure, or privacy requirements or which exempt the information from disclosure as a public record under s. 119.07(1) shall be shared among the Department of Education, the Department of Health and Rehabilitative Services, the Department of Law Enforcement, the Department of Labor and Employment Security, the Department of Corrections, the Parole Commission, and the office of the State Courts Administrator, and their designees, if:

(a) The information is used solely for the purposes of:

1. Identifying and tracking for statistical purposes individuals who match the population-at-risk profile;

2. Using the statewide communications system to share the common data elements for such identification and tracking purposes;

3. Carrying out activities directed at making the methods of identification and tracking and the use of the statewide communications system operational, effective, and efficient for these purposes; or

4. Implementing intervention strategies, as enacted by the Legislature for the benefit of persons identified as matching the population-at-risk profile.

(b) The statutory provisions which impose confidentiality, nondisclosure, or privacy requirements or which exempt the information from disclosure as a public record shall for all other purposes remain in full force and effect.

(c) The information identifying any individual shall not be disclosed in an aggregate form, regardless of the media on which the information is stored, except for a purpose stated in paragraph (a), notwithstanding that some or all of such information consists of or derives from public records.

(d) Only those statutory barriers to information sharing which are specifically identified in subsection (6) shall be subject to the provisions of this section.

(6)(a) The entities identified in subsection (5) shall share the information contained in their respective data files as directed by the coordinating council, notwithstanding provisions of the following statutes which might otherwise constitute barriers to such sharing: ss. 39.045, 39.411, 228.093, 393.13, 394.459, 409.355, 413.22, 413.341, 415.51, 415.608, 455.241, 943.045, 943.05, 943.051, 943.0525, 943.054, 943.057, and 945.10.

(b) This section does not require the Department of Law Enforcement to disclose active criminal intelligence information or active criminal investigation information or the Department of Health and Rehabilitative Services to disclose the identity of persons who have reported an instance of child abuse or neglect.

Section 35. There is appropriated to the Department of Health and Rehabilitative Services for fiscal year 1994-1995, \$1,400,000 of recurring funds from the Marriage License Fee Trust Fund to increase funding for domestic violence centers.

Section 36. This act shall take effect July 1, 1994, and shall apply to offenses committed on or after that date.

And the title is amended as follows:

Strike everything before the enacting clause and insert: A bill to be entitled An act relating to domestic violence and repeat violence; creating s. 741.28, F.S.; providing definitions; amending s. 741.29, F.S.; revising guidelines with respect to investigation of domestic violence incidents; requiring that report furnished by a law enforcement agency to a domestic violence center include a narrative description of the incident; amend-

ing s. 741.2901, F.S.; providing intent that indirect criminal contempt may no longer be used to enforce compliance with injunctions for protection; conforming cross-references; amending s. 741.2092, F.S.; providing intent that civil contempt be used to enforce compliance with an injunction unless injunction violation is criminal under s. 741.31, F.S.; amending s. 741.30, F.S.; providing for a system of statewide and circuitwide verification of injunctions for protection against domestic violence and repeat violence; providing for law enforcement officers to serve injunctions for protection against domestic violence under certain circumstances; revising the procedures under which the court may enforce an injunction for protection; deleting a provision that such enforcement may include imposition of a fine; providing that such enforcement may include imposition of a monetary assessment; providing for collection and transfer of such assessments; providing for a person who violates an injunction to be held in custody until admitted to bail; providing that an ex parte temporary injunction may not be effective for longer than 15 days; amending s. 741.31, F.S.; providing additional acts that constitute a criminal violation of an injunction for protection against domestic violence; providing a penalty; amending s. 784.046, F.S.; revising provisions relating to injunctions against repeat violence; providing for law enforcement officers to serve injunctions for protection against repeat violence under certain circumstances; providing for a statewide verification system; revising the procedures under which the court may enforce an injunction against repeat violence; deleting a provision that such enforcement may include imposition of a fine; providing that such enforcement may include imposition of a monetary assessment; providing for collection and transfer of such assessments; providing for a person who violates an injunction to be held in custody until admitted to bail; providing that an ex parte temporary injunction may not be effective for longer than 15 days; amending s. 943.05, F.S.; providing duties of the Division of Criminal Justice Information Systems with respect to the statewide verification system; amending s. 61.13, F.S.; providing that certain convictions for domestic violence shall be considered by the court as a rebuttable presumption of detriment to the child with respect to shared parental responsibility; providing for the effect of not rebutting such a presumption; reenacting s. 44.102(2)(b), F.S.; relating to court-ordered mediation, to incorporate the amendment to s. 61.13, F.S., in a reference thereto; creating a Commission on Minimum Standards for Batterers' Treatment within the Office of the Governor; providing for appointment; providing duties; providing for a report; amending s. 28.101, F.S.; imposing an additional charge upon petition for dissolution of marriage; providing for deposit and use of such funds; reenacting s. 410.30(5)(b), F.S., relating to Displaced Homemaker Trust Fund, to incorporate the amendment to s. 28.101, F.S., in a reference thereto; amending ss. 39.001, 39.076, 110.1127, 242.335, 393.0655, 394.457, 397.451, 400.512, 402.305, 409.175, 464.018, 787.03, and 944.705, F.S., to conform cross-references; amending s. 901.15, F.S.; relating to arrests without warrants for injunctive violations to conform cross-references and clarify language; reenacting s. 415.606, F.S., relating to referrals to domestic violence centers, to incorporate the amendments to s. 741.29, F.S., in a reference thereto; reenacting ss. 784.048(4), and 901.15(6) and (8), F.S., penalties for violations of injunctions for protection against repeat violence, and arrests without warrants for injunctive violations, to incorporate the amendments to ss. 741.30 and 784.046, F.S., in references thereto; amending s. 415.602, F.S.; amending definitions relating to ss. 415.601-415.608, F.S.; amending s. 415.603, F.S.; amending duties of the Department of Health and Rehabilitative Services relating to domestic violence, including directing the department to develop by rule criteria for the certification and funding of domestic violence centers and directing the department to contract with a statewide association to provide for specified services; amending s. 415.605, F.S.; expanding the list of services that a domestic violence center must offer in order to be certified; amending s. 415.608, F.S.; clarifying the circumstances in which confidential information may be released; reenacting ss. 282.502(5) and (6), F.S., relating to information system coordinating council, to incorporate the amendments to s. 415.608, F.S., in a reference thereto; providing an appropriation; providing an effective date.

On motion by Senator Jones, by two-thirds vote **CS for HB 1949** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 2532—A bill to be entitled An act relating to domestic violence; amending s. 415.602, F.S.; amending definitions relating to ss. 415.601-415.608, F.S.; amending s. 415.603, F.S.; amending duties of the Department of Health and Rehabilitative Services relating to domestic violence, including directing the department to develop by rule criteria for the certification and funding of domestic violence centers and directing the department to contract with a statewide association to provide for specified services; amending s. 415.605, F.S.; expanding the list of services that a domestic violence center must offer in order to be certified; amending s. 415.608, F.S.; clarifying the circumstances in which confidential information may be released; providing an effective date.

—was read the second time by title. On motion by Senator Kurth, by two-thirds vote **CS for SB 2532** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

CS for SB 1762—A bill to be entitled An act relating to education; amending s. 231.095, F.S.; deleting an obsolete reference; amending s. 231.17, F.S.; revising provisions relating to teacher certification, including application procedures, eligibility, examination, the professional orientation program, and application of statutes and rules; providing an alternative means of satisfying the College Level Academic Skills Test; providing for the acceptance of credentials from foreign institutions; amending s. 231.173, F.S.; providing for certification of out-of-state administrators; providing for certificate criteria; amending s. 231.24, F.S.; revising provisions relating to certification renewal; providing for a late fee; amending s. 231.261, F.S.; correcting a cross-reference; revising provisions relating to financing the Education Practices Commission; amending s. 231.262, F.S.; revising requirements for hearing a complaint against a teacher or administrator; revising penalties imposed by the commission; providing for the disposition of funds derived from penalties; amending s. 231.28, F.S.; providing grounds for revocation, suspension, or discipline of certified educators; revising reporting requirements for certain violations by certified and district qualified school personnel; amending s. 231.30, F.S.; revising provisions relating to establishment of certification fees; providing fee caps; providing for remittance of certain moneys; amending s. 231.603, F.S.; requiring annual teacher education center inservice plan updates; amending s. 231.606, F.S.; revising duties of teacher education center councils; amending s. 231.609, F.S., relating to funding of teacher education centers; deleting funding by colleges and universities; amending s. 231.613, F.S., relating to inservice training institutes; revising requirements; transferring approval authority from the Commissioner of Education to school boards; amending s. 233.067, F.S.; conforming provisions; amending s. 236.0811, F.S.; providing for local school board approval of master inservice plans; providing for annual updating; revising plan components; requiring inservice funds to be withheld under certain circumstances; amending s. 240.529, F.S., relating to approval of teacher preparation programs; providing for program development; revising requirements for admission; revising continued approval requirements; repealing s. 231.15(3), F.S., relating to certification fees; repealing s. 231.1711, F.S., relating to processing applications for certification; amending s. 231.45, F.S.; providing for reporting employee absences; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 18, line 2, after the period (.) insert: *Until June 30, 2000, credits or points earned through training in the following areas may be applied toward any specialization area: drug abuse; child abuse and neglect; strategies in teaching students having limited proficiency in English; dropout prevention; or areas identified in the educational goals and performance standards adopted pursuant to ss. 229.591 and 229.592.*

Amendment 2 (with Title Amendment)—On page 18, strike all of lines 27-31 and insert:

Section 6. Subsection (1), paragraph (b) of subsection (7), and subsection (10) of section 231.261, Florida Statutes, are amended to read:

231.261 Education Practices Commission; organization.--

(1) There is created the Education Practices Commission, to consist of 13 members, including 5 teachers, 5 administrators, and 3 lay citizens (of whom 2 shall be former school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with the teaching and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

And the title is amended as follows:

In title, on page 1, line 18, after "revising" insert: membership requirements; revising

Amendment 3 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 18. Paragraph (g) of subsection (10) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(g) Approval and payment of accounts.—Implement a system of accounting and budgetary control to ensure that payments do not exceed total amounts budgeted in each fund, as required by law; make available all records for proper audit by state officials; and have prepared required periodic statements showing receipts, balances, and expenditures to date and require a copy of each such statement to be filed with the Department of Education as provided by rules of the state board.

Section 19. Subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated ~~and final~~ calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the ~~taxable value~~ ~~nonexempt-assessed-valuation~~ for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total ~~taxable value~~ ~~nonexempt-assessed-valuation~~ for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the ~~taxable value~~ for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1.2. The Department of Revenue shall, upon receipt of the official final ~~assessed value of property tax-roll~~ from each of the property appraisers, certify to the commissioner the total ~~value assessed-valuation of nonexempt-property~~ for school purposes in each school district, subject to the provisions of paragraph (d) ~~paragraph (e)~~. The commissioner shall

use the official final taxable value for school purposes for each school district for the final calculation of the Florida Education Finance Program.

~~As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent tax roll data for the appropriate year.~~

2. For the purposes of this ~~paragraph~~ ~~subparagraph~~, the official final taxable value is ~~tax roll shall be the taxable value tax roll~~ on which the tax bills are computed and mailed to the taxpayers, ~~adjusted for final action by the value adjustment boards under s. 104.034. The Department of Revenue shall certify the official taxable value for school purposes to the Commissioner of Education no later than September 1 of the year following the assessment. For those counties that have not submitted a revised tax roll that includes the value adjustment board's final action, the Department of Revenue shall certify the most recent revision. This certified value constitutes the final taxable value for school purposes and further adjustments may not be made, except for those made under paragraph (13)(b).~~

~~(c)(b)~~ Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the ~~taxable value nonexempt assessed valuation~~ for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed ~~constitutes shall be~~ the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's nonexempt assessed valuation for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

~~(d)(e)~~ Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest ~~must shall~~ be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

~~(e)(d)~~ Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in ~~taxable value nonexempt valuation~~ was made pursuant to ~~paragraph (d) paragraph (e)~~, the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

~~(f)(e)~~ Required adult fees.—

1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.

Section 20. Subsection (3) of section 237.02, Florida Statutes, is amended to read:

237.02 Expenditures.—Expenditures shall be limited to the amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and regulations of the state board. The school board shall endeavor to obtain maximum value for all expenditures.

(3) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—Expenditures from district and all other funds available for the public school program of any district shall be authorized by law and must be in accordance with procedures prescribed by the school board. ~~Notwithstanding any other provisions, a school board may establish policies that allow expenditures to exceed the amount budgeted by object, provided the amount expended in the applicable function does not exceed the amount budgeted for that function and provided that the school board approves the expenditure and amends the budget at the next regularly scheduled meeting.~~

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, after the semicolon (;) insert: amending s. 230.23, F.S.; revising the powers and duties of the district school boards pertaining to expenditures of amounts budgeted; amending s. 236.081, F.S.; revising the method of computing the required local effort for purposes of the Florida Education Finance Program; amending s. 237.02, F.S., relating to district expenditures; deleting a provision relating to expenditures that exceed amounts budgeted by object;

Amendment 4—On page 46, between lines 5 and 6, insert:

Section 18. Subsection (7) is added to section 229.592, Florida Statutes, to read:

229.592 Implementation of state system of school improvement and education accountability.—

(7) SPECIAL BLUEPRINT 2000 EXEMPTIONS.—

(a) To promote comprehensive restructuring to implement Blueprint 2000, the Legislature finds that some schools may be prepared to implement new and innovative education programs, organizational structures, practices, and strategies not heretofore contemplated or allowed by the existing statutes governing public education. The purpose of this subsection is to promote restructuring and to set guidelines and accountability for restructuring.

(b) A special Blueprint 2000 exemption may be approved by the Commissioner of Education, after consultation with the President of the Senate and the Speaker of the House of Representatives. This is a time-limited exemption to statutes not listed in subsection (6), and will allow a school to restructure school programs for the purpose of implementing a school improvement plan effective for the 1994-1995 school year. The exemptions are valid through the 1996-1997 school year.

(c) All grantees shall remain entitled to all allocated funds as appropriated through the Florida Education Finance Program and the Public Education Capital Outlay and Debt Service Trust Fund.

(d) Statutes eligible for a special Blueprint 2000 exemption include chapters 228 through 237 if they impede the restructuring of schools to meet the goals of Blueprint 2000.

(e) All school districts and developmental research schools are eligible to apply for special Blueprint 2000 exemptions. Approval shall be based upon:

1. Agreement to the request by the school advisory council of each affected school.
2. A commitment to fully implement Blueprint 2000.
3. Agreement by the district collective bargaining agency in cases where the request affects the terms of an existing collective bargaining agreement.
4. The commissioner's finding that the special Blueprint 2000 exemption will not compromise the health and safety of students or employees, the equitable treatment of all parties, or the fiscal accountability for public funds entrusted to the school board.
5. The commissioner's finding that the exemption is necessary to carry out the implementation of an individual school improvement plan and has a reasonable likelihood of being successfully implemented.

(f) A district school board may request a special Blueprint 2000 exemption for one school in the district by completing an application that must:

1. Specify each statute to be waived.
2. Explain why the special Blueprint 2000 exemption is needed to significantly restructure a school program, practice, organizational structure, or strategy to implement a school improvement plan.
3. Specify the innovative approaches and technology to be utilized and describe how they will further the school's ability to meet the goals of Blueprint 2000.
4. Specify the methods and measurements to be used to determine the outcomes and evaluate the effectiveness of the new approach.
5. Specify the methods to be used to communicate to the other schools and districts the Blueprint 2000 practices implemented by the requesting district and appropriate school.
6. If appropriate for the statute involved, describe measures to be taken to ensure the protection of the health and safety of students or employees, the equitable treatment of all parties, or the fiscal accountability for public funds entrusted to the school board.
7. If appropriate, include the agreement with the collective bargaining unit.
8. If appropriate, specify the high school graduation requirements.

(g) Notwithstanding the provisions of chapter 120, and for the purpose of implementing this subsection, the Commissioner of Education is authorized to waive State Board of Education rules adopted to implement statutes for which a special Blueprint 2000 exemption has been granted.

(h) The Commissioner shall report annually to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor on the number and types of special Blueprint 2000 exemptions as reported by the school boards receiving the exemptions.

(i) The special Blueprint 2000 exemption shall be limited to not more than a school or schools in each of three districts and developmental research schools selected by the Commissioner of Education after consultation with the President of the Senate and the Speaker of the House of Representatives.

Amendment 5 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 18. Sections 230.2309, 230.2312, 230.2313, 230.2314, 230.2319, 230.232, 231.532, 232.08, 232.301, 233.057, 233.0575, 233.0641, 233.0643, 233.0677, 233.501, 233.64, 233.641, 233.642, 233.643, 233.65, 236.0835, 236.088, 236.089, 236.091, 236.1223, 236.1224, 236.1227, and 236.135, Florida Statutes, section 233.0576, Florida Statutes, as amended by chapter 93-260, Laws of Florida, and subsection (3) of section 239.121, Florida Statutes, as created by chapter 92-136, Laws of Florida, are hereby repealed.

Section 19. Paragraph (b) of subsection (52) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter:

(52) "To be habitually truant" means that:

(b) In addition to the actions described in s. ~~ss. 230.2313(3)(e) and 232.17~~, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. One or more meetings have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration shall proceed to the next escalating activity;
2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any

changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child; and

3. Educational evaluation, which may include psychological evaluation, has been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition;

Section 20. Paragraphs (a) and (b) of subsection (3) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(3) School millages shall be composed of five categories of millage rates, as follows:

(a) Nonvoted required school operating millage, which shall be that nonvoted millage rate set by the county school board for current operating purposes and imposed pursuant to s. 236.02(6)(7).

(b) Nonvoted discretionary school operating millage, which shall be that nonvoted millage rate set by the county school board for operating purposes other than the rate imposed pursuant to s. 236.02(6)(7) and other than the rate authorized in s. 236.25(2).

Section 21. Paragraphs (c) and (d) of subsection (3) and paragraph (b) of subsection (12) of section 200.065, Florida Statutes, are amended to read:

200.065 Method of fixing millage.—

(3) The advertisement shall be no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the county is published less than 5 days a week, or that the advertisement appear in a geographically limited insert of such newspaper which insert is published throughout the taxing authority's jurisdiction at least twice each week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(c) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy nonvoted millage in excess of the minimum amount required pursuant to s. 236.02(6)(7), the advertisement shall be in the following form:

NOTICE OF TAX INCREASE

The . . . (name of school district) . . . will soon consider a measure to increase its property tax levy by . . . (percentage of increase over rolled-back rate) . . . percent.

A portion of the tax levy is required under state law in order for the school board to receive \$. . . (amount A) . . . in state education grants. The required portion has . . . (increased or decreased) . . . by . . . (amount B) . . . percent and represents approximately . . . (amount C) . . . of the total proposed taxes.

The remainder of the taxes is proposed solely at the discretion of the school board.

All concerned citizens are invited to a public hearing on the tax increase to be held on . . . (date and time) . . . at . . . (meeting place) . . .

A DECISION on the proposed tax increase and the budget will be made at this hearing.

1. AMOUNT A shall be an estimate, provided by the Department of Education, of the amount to be received in the current fiscal year by the district from state appropriations for the Florida Education Finance Program.

2. AMOUNT B shall be the percent increase over the rolled-back rate necessary to levy only the required local effort in the current fiscal year, computed as though in the preceding fiscal year only the required local effort was levied.

3. AMOUNT C shall be the quotient of required local-effort millage divided by the total proposed nonvoted millage, rounded to the nearest tenth and stated in words; however, the stated amount shall not exceed nine-tenths.

(d) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy as nonvoted millage only the minimum amount required pursuant to s. 236.02(6)(7), the advertisement shall be the same as provided in paragraph (c), except that the second and third paragraphs shall be replaced with the following paragraph:

This increase is required under state law in order for the school board to receive \$. . . (amount A) . . . in state education grants.

(12)

(b) Within 30 days of the deadline for certification of compliance required by s. 200.068, the department shall notify any taxing authority in violation of this section that it is subject to paragraph (c). Except for revenues from voted levies or levies imposed pursuant to s. 236.02(6)(7), the revenues of any taxing authority in violation of this section collected in excess of the rolled-back rate shall be held in escrow until the process required by paragraph (c) is completed and approved by the department. The department shall direct the tax collector to so hold such funds.

Section 22. Subsection (3) and paragraph (a) of subsection (4) of section 200.069, Florida Statutes, are amended to read:

200.069 Notice of proposed property taxes.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities within his jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6)(7); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; a single entry for other independent special districts in which the parcel lies, if any, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6)(7) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11). For voted levies for debt service, the entry shall be "Voter Approved Debt Payments."

Section 23. Subsections (16) and (28) of section 228.041, Florida Statutes, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(16) SCHOOL YEAR.—The school year shall comprise the period during which the schools are regularly in session for the minimum number of 180 days of instruction or the equivalent on an hourly basis for pupils as specified by regulations of the state board for pupils plus periods for preschool and postschool conferences as approved under regulations of the state board. ~~The school year for grades 9 through 12 shall consist of a minimum of 1,050 hours of instruction; except that this provision shall be implemented in the 1983-1984 school year and thereafter~~

only to the extent as specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act. A district school board may decrease the minimum number of days of instruction by up to 4 days for 12th grade pupils for purposes of graduation without proportionate reduction in funding.

(28) **HABITUAL TRUANT.**—A habitual truant is a student who has been absent from school with or without the knowledge or consent of his parent or legal guardian and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 230.2313(3)(e), 232.17, and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a dependent child according to the provisions of chapter 39.

Section 24. Paragraph (a) of subsection (9) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(9) **FUNDING.**—

(a) Each developmental research school shall be allocated its proportional share of operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act. The nonvoted ad valorem millage that would otherwise be required for developmental research schools shall be allocated from state funds. The required local effort funds calculated pursuant to s. 236.081 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 236.081. Each eligible developmental research school shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 236.081. In addition, each developmental research school shall receive its proportional share of categorical funds pursuant to ss. 228.195, 230.2312, 230.2313, 230.2314, 230.2319, 231.532, 233.057, 233.34, 233.39, 236.012, 236.02, 236.078, 236.081, 236.0811, 236.0815, 236.083, 236.0835, 236.088, 236.089, 236.091, 236.092, 236.1223, 236.1225, and 236.24, and new categorical funds enacted after July 1, 1985, for the purpose of elementary or secondary academic program enhancement. Funds appropriated to the laboratory school program component of the education and general budget entity for the operation and maintenance of the developmental research schools effective in 1991-1992 shall be transferred from the appropriate budget categories in the State University System to the Florida Education Finance Program. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

Section 25. Subsection (6) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(6) **EXCEPTIONS TO LAW.**—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the annual General Appropriations Acts of 1991, 1992, and 1993, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; ~~230.2309; 230.2312; 230.2313; 230.2314; 230.2316(11), (12), and (13); 230.2318; 230.2319(6), (7), (8), and (9); 231.087; 231.532; 231.613; 232.257; 233.0678; 232.301; 233.057; 233.0575; 233.0576; 233.0615; 233.067(5), (6), (7), (8), and (11); 233.069; 233.65; 234.021; 236.02(3); 236.022; 236.0835; 236.0873; 236.083; 236.088; 236.089; 236.091; 236.092; 236.122; 236.1225; 236.1223; 236.1224; 236.1227; 236.1228; and 239.401. In the event the extended day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropriation in the General Appropriations Act of~~

1991, 1992, or 1993, those provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.

(b) Until July 1, 1994, The methods and requirements of the following statutes shall be held in abeyance: ss. 228.088; and 229.57(4) and (5); ~~230.232; 232.08; 233.0641; 233.0643; 233.0645; 233.0677; 233.501; 233.64; 233.641; 233.642; and 233.643.~~

In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process. *It is the intent of the Legislature that statutes listed in paragraphs (a) and (b) be systematically repealed after being held in abeyance for 3 consecutive fiscal years.*

(c) Until July 1, 1996 ~~1994~~, the Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01; 232.04; 232.045; 232.245; 232.2462; 232.2463; 233.011; 233.34; 236.013(3) relating to the 36-hour limit; and 239.121 ~~236.135~~. Graduation requirements in s. 232.246 may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory if a waiver from the requirements of s. 232.2462 has been approved based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

(d) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules adopted to implement statutes listed in paragraphs (a), (b), and (c), provided that the intent of each rule is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(e) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to subsection (5), and how student improvement will be evaluated and reported. In considering any waiver, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(f) Any request for a waiver which is not denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for

which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information. On denial of a request for a waiver, the commissioner shall state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

Section 26. Subsection (1), paragraph (d) of subsection (2), and paragraph (d) of subsection (3) of section 230.23135, Florida Statutes, are amended to read:

230.23135 Florida Council on Student Services.—

(1) **INTENT.**—The Legislature recognizes the important relationships between effective and comprehensive student services programs in meeting the cognitive and affective goals of our students. The Legislature also recognizes that public school personnel associated with student services programs, ~~as specified in s. 230.2313~~, and principals are critical to the successful operation of schools, especially with regard to the school-level coordination and delivery of services needed for meeting the needs of students and their families. This responsibility is especially critical given the current and projected demographics of the state. The Legislature further recognizes that the school should be the primary level for planning, coordinating, and assessing the delivery of student services and ensuring that these services are well-integrated into other improvement efforts.

(2) FLORIDA COUNCIL ON STUDENT SERVICES.—

(d) The council shall be assigned to the Department of Education for administrative and budget purposes. The Commissioner of Education shall designate staff to assist the council in performing its duties. ~~The commissioner is authorized to use 0.25 percent of student development services funds for the support and operation of this council.~~

(3) **DUTIES OF THE COUNCIL.**—The council shall have the following duties:

(d) To identify minimum standards of service and standards of excellence for student services programs ~~as specified in s. 230.2313~~. Such standards shall include, but not be limited to, prevention, intervention, and treatment.

Section 27. Paragraph (a) of subsection (2) of section 230.2318, Florida Statutes, is amended to read:

230.2318 School resource officer program.—

(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS; APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.—

(a) Each school district desiring to establish a local school resource officer program, in conjunction with one or more law enforcement and community agencies, shall submit a proposed school resource officer program plan to the Commissioner of Education for review. Two or more districts may submit a joint plan to maximize benefits as desirable. Each plan shall contain a detailed description of the proposed local school resource officer program, including, but not limited to, the following:

1. An agreement between the school board and each participating law enforcement and community agency specifying the financial and other responsibilities of each party.

2. Program objectives and guidelines.

3. A provision for and description of a preservice training program for school resource officers. Each preservice training program shall be either modeled after a program jointly designed by the department, district school personnel, and law enforcement agencies, or an alternate approved by the department.

4. The criteria used by the employing law enforcement agency and the district in the selection of school resource officers.

~~5. If a law education program exists on the elementary level under s. 233.0615, the relationship between such program and the plan shall be explained.~~

5.6. Any other information required by the commissioner.

6.7. An agreement between the school board and the law enforcement agency regarding the school resource officer's uniform.

Section 28. Subsection (1) of section 231.62, Florida Statutes, is amended to read:

231.62 Identification of critical teacher shortage areas.—

(1) As used in ss. ~~231.532~~, 231.621, 240.4063, and 240.4064, the term "critical teacher shortage area" applies to mathematics, science, vocational education, and high priority location areas. The State Board of Education may identify vocational education programs having critical teacher shortages. The State Board of Education shall adopt rules necessary to annually identify other critical teacher shortage areas and high priority location areas. The state board shall also consider teacher characteristics such as ethnic background, race, and sex in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual school boards may identify other critical teacher shortage areas. Such shortages must be certified to and approved by the State Board of Education. High priority location areas shall be in high-density, low-economic urban schools and low-density, low-economic rural schools and shall include schools which meet criteria which include, but are not limited to, the percentage of free lunches, the percentage of students under Chapter I of the Education Consolidation and Improvement Act of 1981, and the faculty attrition rate.

Section 29. Paragraph (b) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan ~~and s. 230.2312~~. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 30. Paragraph (a) of subsection (3) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—

(a) In case a child becomes a habitual truant, the school administration shall file with the circuit court a complaint alleging the facts, and the child shall be dealt with as a child in need of services according to the provisions of chapter 39. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies shall allow a reasonable time period to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria shall be met and documented in writing prior to the filing of a petition:

1. The child must have been absent from school with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education;

2. In addition to the actions described in s. ~~ss. 230.2313(3)(c) and 232.17~~, the school administration must have completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

a. One or more meetings must have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or

school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration must have proceeded to the next escalating activity;

b. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may have included enrollment of the child in an alternative education program that met the specific educational and behavioral needs of the child; and

c. Educational evaluation, which may have included psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition; and

3. A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the Department of Health and Rehabilitative Services must have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations must have met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

Section 31. Paragraph (a) of subsection (7) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than a total of nine elective credits in remedial programs as provided for in s. 236.0841 and compensatory and remedial programs as provided for in s. 236.088.

Section 32. Subsections (5) through (12) of section 233.067, Florida Statutes, are amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

~~(5) DISTRICT PROGRAM RESPONSIBILITIES.—~~

~~(a) Each school district shall designate one or more contact persons to coordinate the district's comprehensive health education and substance abuse prevention program and to receive materials and information from the Prevention Resource Center. District responsibilities may include cooperating with law enforcement and alcohol abuse and substance abuse treatment agencies and encouraging business and community involvement in prevention activities. Each district shall plan for efficient use of state resources and prevention center resources, including, but not limited to, training programs for school personnel, curriculum materials, and identification, referral, and legal guidelines.~~

~~(b) Pursuant to policies and regulations to be adopted by the Commissioner of Education, each district school board, laboratory school, or consortium thereof shall submit to the commissioner a proposed program designed to effectuate an exemplary comprehensive health education and substance abuse prevention program for kindergarten through grade 12. Such programs shall be implemented no later than the 1988-1989 school year in each public school within the district. The proposal shall include:~~

~~1. A statement of the nature of the comprehensive health education and substance abuse prevention program proposed;~~

~~2. A provision for a sequential program of instruction in comprehensive health education, including nutrition education and substance abuse education, at the four progression levels K-3, 4-6, 7-9, and 10-12. The sequential program shall be integrated into the curriculum for each grade, kindergarten through 12, with special emphasis in the middle grades. The program for kindergarten through grade 3 shall take into account the developmental needs of young children and shall emphasize personal health and safety;~~

~~3. The number of teachers and students to be involved;~~

~~4. A provision stating how the involvement of governmental agencies and private organizations will be enlisted in order to ensure the use of all available resources in the implementation of the program;~~

~~5. An estimate of the cost;~~

~~6. A plan for evaluation of the program;~~

~~7. A plan for coordinating this program with student services and dropout prevention, pursuant to the provisions of ss. 230.2313 and 230.2316, respectively, and other social services, and for the provision of support activities for students in treatment and those returning to school after treatment or suspension;~~

~~8. A plan for integration of the program into the general curricular and financial program of the district;~~

~~9. A provision for involvement by parents or legal guardians, the community, and businesses; and~~

~~10. Such other information as the commissioner shall by regulation require.~~

(5)(6) TECHNICAL ASSISTANCE.—Upon request of a district school board, laboratory school, or consortium thereof, the department shall provide such technical assistance as is necessary to develop a ~~and submit a proposed~~ program for comprehensive health education and substance abuse prevention. The department shall develop and make available to any requesting district school board one or more model suggested programs for substance abuse prevention, including recommended minimum number of hours of instruction in substance abuse prevention appropriate for each grade level, kindergarten through 12.

~~(7) PROGRAM REVIEW; FUNDING.—The commissioner shall review and approve, disapprove, or resubmit for modification all proposed comprehensive health education and substance abuse prevention programs submitted. Approval shall be based on the assurance that components specified in this section have been met. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for comprehensive health education and substance abuse prevention purposes.~~

~~(8) PROGRAM EVALUATION AND MONITORING.—The department shall monitor and evaluate the programs or projects funded under subsection (7) and evaluate the overall comprehensive health education and substance abuse prevention program. The department shall collect, analyze, evaluate, and, upon request, disseminate to all school districts, laboratory schools, or consortia thereof, resource information on effective comprehensive health education and substance abuse programs. Program evaluations shall include, but not be limited to, components for determining program or project effectiveness, efficiency, and use of resources. A report on the overall evaluation as well as recommendations for funding and any other recommendations deemed to be appropriate by the commissioner shall be included in the annual report of the Commissioner of Education required under s. 220.575(1).~~

~~(6)(9) NONPUBLIC PERSONNEL PERMITTED TO PARTICIPATE.—Teachers or school administrators employed by a nonpublic school may participate as students in inservice teacher education institutes or curriculum development programs conducted pursuant to this section, provided such participants assume the pro rata share of the cost or charges for tuition.~~

~~(7)(10) STUDENT EXEMPTION.—Any child whose parent presents to the school principal a signed statement that the teaching of disease and its symptoms, development, and treatment, and the use of instructional aids and materials of such subjects, conflicts with his religious beliefs shall be exempt from such instruction. No child so exempt shall be penalized by reason of such exemption.~~

~~(8)(11) USE OF FUNDS.—In implementing this section, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local, or private, in order to achieve maximum benefits for improving health education and substance abuse prevention.~~

~~(9)(12) APPLICABILITY OF SUBSECTIONS (4) AND (7) (10).—Subsections (4) and (7) (10) apply regardless of the extent to which the provisions of those subsections are specifically funded in the General Appropriations Act.~~

Section 33. Paragraphs (a) and (c) of subsection (2) of section 236.013, Florida Statutes, are amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed in s. 236.081(1)(c) for the school year or the equivalent for:

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12 and adult, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. ~~A full-time equivalent student in grades 9 through 12 shall equal 1,050 hours of instruction; but this provision shall be implemented in the 1983-1984 school year and thereafter only to the extent as specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act;~~

2. Instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or

3. Instruction comprising the appropriate number of net hours set forth in subparagraph 1. or subparagraph 2. for students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Dropout prevention programs provided for those students who were in membership in teenage parent, substance abuse, or youth services programs as defined in s. 230.2316 and are in need of such additional instruction;

~~e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2412, for those students who were receiving preventive instructional strategies for at least 45 days of the 180-day term and are in need of additional instruction or kindergarten through fifth grade limited English proficient students enrolled in, or eligible for, English for speakers of other languages;~~

~~f. The Florida Progress in Middle Childhood Education Program for those students in grades 6 through 8 who have failed one or more subjects; and for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for at least 45 days of the 180-day term and are in need of such additional instruction;~~

~~g. Students-at-risk programs provided for those students who were in membership in an educational alternative or disciplinary program in dropout prevention programs as defined in s. 230.2316 or programs in English for speakers of other languages as defined in s. 233.058 for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;~~

~~f.h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and~~

~~g.i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.~~

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 34. Section 236.02, Florida Statutes, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or regulation, each annual or periodic report which is required by regulations of the state board.

(2) MINIMUM TERM.—

(a) Operate all schools for a term of at least 180 actual teaching days as prescribed in s. 228.041(13) or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. ~~The school year for grades 9 through 12 shall consist of no less than 1,050 hours of instruction.~~ The state board may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the State Board of Education and in the event the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. Under no circumstances shall a strike, as defined in s. 447.203(6), by employees of the school district be considered an emergency.

(b) ~~This subsection, as amended by s. 16, chapter 83-227, shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act.~~

(3) ~~MINIMUM PERIODS.—For grades 9 through 12, there shall be a minimum of seven instructional periods or the equivalent thereof per day with a schedule allowing each student to successfully complete at least seven credits in a school year. This subsection shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act.~~

(3)(4) EMPLOYMENT POLICIES.—Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.

(a) Such rules shall conform to applicable law and state board rules and shall include the duties and responsibilities of the superintendent and school board pertaining to these and other personnel matters.

(b) All personnel shall be paid in accordance with payroll period schedules adopted by the school board and included in the official salary schedule.

(c) No salary payment shall be paid to any employee in advance of service being rendered.

(d) District school boards may authorize a maximum of six paid legal holidays which shall apply to the 196 days of service.

(e) Such rules may include reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis.

(f) Such rules shall require 12 calendar months of service for such principals as prescribed by regulations of the state board and shall require 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with regulations of the state board.

(4)(5) SALARY SCHEDULES.—Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and regulations of the state board.

(5)(6) BUDGETS.—Observe fully at all times all requirements of law and regulations of the state board relating to the preparation, adoption, and execution of budgets for the district school system.

(6)(7) MINIMUM FINANCIAL EFFORT REQUIRED.—Make the minimum financial effort required for the support of the Florida Education Finance Program as prescribed in the current year's General Appropriations Act.

(7)(8) DISTRICT EDUCATIONAL PLANNING.—Maintain a system of planning and evaluation as required by law.

Section 35. Paragraph (a) of subsection (4) and subsections (10), (11), (12), and (13) of section 236.081, Florida Statutes, are amended to read:

236.081. Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total nonexempt assessed valuation for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (c).

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (12)(13)(b), shall use the most recent tax roll data for the appropriate year. For the purposes of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers.

(10) ~~EXTENDED DAY SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount of current operation of qualified districts as an extended day supplement for grades 9 through 12. The department shall conduct two counts of grades 9 through 12 students in seven contiguous periods with at least 350 minutes of daily instruction and six contiguous periods with at least 360 minutes of daily instruction and nonparticipants in extended day for each school district. The two counts shall be conducted during the 180-day school year in conjunction with the Florida Education Finance Program full-time equivalent student membership survey periods. The definition of contiguous periods includes time for normal travel between school centers; meal periods; homeroom/advisory periods and breaks between classes; and time between classes that includes a dual enrollment class period or a job training period that exceeds normal travel time or meal time due to college, vocational technical center, or job schedules for dual enrollment or cooperative or work experience courses. The definition of contiguous periods to be counted excludes weekend classes, except that dual enrollment, dropout prevention, and job training in cooperative or work experience courses are exempt from the contiguous requirement at any time, provided the equivalent time in the calendar week is met. Study hall may be counted as one of the seven or six contiguous periods, but the percentage of students in study hall for a given period in a school may not be greater than the average for other periods in the day. Students in grades 9 through 12 counted for extended day must qualify on the same basis of membership and attendance that qualifies students to be counted in full-time equivalent student membership surveys. The extended day counts shall be conducted in accordance with instructions provided by the department. The extended day supplement for each district shall be computed as follows:~~

(a) ~~Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12 enrolled in six periods with at least 360 minutes of daily instruction. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12, or in grades 6 through 8 if the school has a ninth or tenth grade but not an eleventh or twelfth grade, who is enrolled in seven periods with at least 350 minutes of daily instruction or an equivalent amount of time each week.~~

(b) ~~If the total amount calculated for students enrolled in six periods with at least 360 minutes of daily instruction exceeds an amount specified in the appropriations act, each district's allocation shall be prorated. In the event the total amount of district extended day and seventh period entitlements exceed an amount to be specified in the appropriations act, each district's entitlement shall be prorated. In the event the sum of each district's allocation for students enrolled in seven periods with at least 360 minutes of daily instruction, each district's allocation for students enrolled in six periods with at least 360 minutes of daily instruction, and the adjustment amount for nonparticipants in either an extended day or seventh period is less than an amount specified in the appropriations act, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods with at least 360 minutes of daily instruction.~~

(10)(11) CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection (12)(13), a caps adjustment supplement of up to 10 percent of the funds remaining in the appropriation shall be calculated as follows:

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, all other group 2 special programs weighted full-time equivalent student membership above cap group 2 shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(11)(12) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection (12) (13), profoundly handicapped adjustment, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (12) (13), profoundly handicapped adjustment, and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12)(13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9), ~~the extended day supplement as determined in subsection (10)~~, and the quality assurance guarantee as determined in subsection (11) (12), less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 36. Subsection (3) of section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district shall constitute a part of the district school fund of that district and shall be budgeted and expended under authority of the school board of that district subject to the provisions of law and regulations of the state board.

(3) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on performance outcomes, such as those provided for in s. 236.1228 for the accountability program ~~and s. 231.532 for merit schools~~, may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

Section 37. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081(12)(13) shall levy on the nonexempt assessed valuation for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 38. A parent or guardian has the right to withdraw a child from yoga, hypnosis, meditation, or any instruction which conflicts with the parent's religious beliefs for which the parent has submitted to the principal a signed statement of objection.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, after the semicolon (;) insert: repealing s. 230.2309, F.S., relating to the District School Site Restructuring Incentives Program; repealing s. 230.2312, F.S., relating to the Florida Primary Education Program; repealing s. 230.2313, F.S., relating to student services programs; repealing s. 230.2314, F.S., relating to the teachers as

advisors program; repealing s. 230.2319, F.S., relating to the Florida Progress in Middle Childhood Education Program; repealing s. 230.232, F.S., relating to school board duties regarding pupil assignment; repealing s. 231.532, F.S., relating to the district quality instruction incentives program; repealing s. 232.08, F.S., relating to the issuance of age certificates for employment; repealing s. 232.301, F.S., relating to model programs for prevention of student failures and dropouts; repealing s. 233.057, F.S., relating to reading programs; repealing s. 233.0575, F.S., relating to mathematics and science mentor teachers; repealing s. 233.0576, F.S., relating to mathematics and science mentor teacher pilot projects; repealing s. 233.0641, F.S., relating to the free enterprise and consumer education program; repealing s. 233.0643, F.S., relating to water safety education; repealing s. 233.0677, F.S., relating to educational centers for gifted students; repealing s. 233.501, F.S., relating to consortium on quality instructional materials; repealing ss. 233.64, 233.641, 233.642, and 233.643, F.S., relating to the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act and related advisory council; repealing s. 233.65, F.S., relating to residential mathematics and science honors high schools; repealing s. 236.0835, F.S., relating to school bus replacement funding; repealing s. 236.088, F.S., relating to the basic skills and functional literacy compensatory supplement; repealing s. 236.089, F.S., relating to allocations for student development services; repealing s. 236.091, F.S., relating to funding of public school programs of excellence in mathematics, science, and computer education; repealing s. 236.1223, F.S., relating to additional categorical funds for teaching writing skills; repealing s. 236.1224, F.S., relating to categorical funds for science laboratory facilities; repealing s. 236.1227, F.S., relating to the Quality Instruction Incentive Categorical Program; repealing s. 236.135, F.S., relating to computer-related equipment purchasing or leasing; repealing s. 239.121(3), F.S., relating to occupational specialists recruitment and training plans; amending ss. 39.01, 200.001, 200.065, 200.069, 228.041, 228.053, 230.23135, 230.2318, 231.62, 232.01, 232.19, 232.246, 236.013, 236.13, and 236.25, F.S.; correcting cross references and conforming language; amending s. 229.592, F.S., relating to school improvement and education accountability; extending authorization for exceptions to law; correcting cross references and conforming language relating to statutes held in abeyance; providing legislative intent; revising statutes subject to waiver; authorizing additional waivers; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse prevention; deleting required program plans; deleting program review, funding, and evaluation requirements; amending s. 236.02, F.S.; deleting provisions relating to the seventh-period day; amending s. 236.081, F.S.; deleting provisions relating to the extended day supplement; providing that a parent or guardian may withdraw a child from any instruction which conflicts with the parent's religious beliefs;

RECONSIDERATION OF AMENDMENT

On motion by Senator Brown-Waite, the Senate reconsidered the vote by which **Amendment 5** was adopted. The question recurred on **Amendment 5** which was adopted.

Senator Grant moved the following amendment which was adopted:

Amendment 6 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 2. Section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(1) Successful completion of a minimum of 22 24 academic credits in grades 9 through 12 ~~are shall be required for graduation, the required credits to be determined by the district school board from the following. The 24 credits shall be distributed as follows:~~

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

(g) One-half credit in American government.

(h)1. One credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one credit in practical arts or exploratory vocational education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts vocational education or exploratory vocational education and performing fine arts, as defined in this paragraph.

Such credit for practical arts vocational education or exploratory vocational education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

(k) Nine elective credits.

School boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option shall complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. School boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of such credit and school principals shall be responsible for approving specific volunteer activities.

(2) Remedial and compensatory courses taken in grades 9 through 12 may only be counted as elective credit as provided in subsection (1).

(3) Credit for high school graduation may be earned for volunteer activities and nonacademic activities which have been approved for such credit by the ~~district school board~~ State Board of Education.

(4)(a) A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district pupil progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction which is modified to accommodate the student's exceptionality.

(b) The district shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the student's individual educational plan.

(c) District school boards are authorized and encouraged to establish requirements for high school graduation in excess of the minimum requirements; however, an increase in academic credit or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements.

(5) Each district school board shall establish standards for graduation from its schools which ~~must~~ *shall* include:

(a) Earning passing scores on the high school competency test defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(c) Effective for the 1988-1989 school year and each year thereafter, a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for required courses for graduation.

1. Each district shall adopt policies which are designed to assist students in meeting this requirement. Such policies may include, but shall not be limited to: forgiveness policies, summer school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes.

2. At the end of each semester, the parent or guardian of each student in grades 9, 10, 11, and 12 who has a cumulative grade point average of less than 2.0 shall be notified that the student is at risk of not meeting the requirements for graduation. The notice shall contain an explanation of the policies the district has put in place to assist the student in meeting the grade point average requirement.

3. Special assistance to obtain a high school equivalency diploma pursuant to s. 229.814 shall be given only in such cases where the student has completed all requirements for graduation except the attainment of a 1.5 cumulative grade point average.

The standards required in this subsection, and any subsequent modifications thereto, shall be reprinted in the Florida Administrative Code even though such standards are not defined as "rules."

(6) The Legislature recognizes that adult learners are unique in situation and needs. The following graduation requirements are therefore instituted for students enrolled in adult general education in accordance with s. 239.301 in pursuit of a high school diploma:

(a) The one-half credit in physical education ~~required for graduation~~, pursuant to subsection (1), is not required for graduation and shall be substituted with elective credit keeping the total credits needed for graduation consistent with subsection (1).

(b) Each school board may waive the laboratory component of the science requirement expressed in subsection (1) when such facilities are inaccessible or do not exist.

(c) Adult students enrolled in adult secondary education in pursuit of a high school diploma after the beginning of the 1978-1979 school year and before the 1984-1985 school year are required to meet only those requirements for graduation that were in effect at the time of their enrollment when such enrollment has been continuous except for summer terms. The State Board of Education shall adopt rules to implement this paragraph.

(d) Any course listed within the Department of Education Course Code Directory in the areas of art, dance, drama, or music may be undertaken by adult secondary education students. Enrollment and satisfactory completion of such a course shall satisfy the credit in performing fine arts ~~required for high school graduation~~ pursuant to subsection (1).

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than a total of nine elective credits in remedial programs as provided for in s. 236.0841 and compensatory and remedial programs as provided for in s. 236.088.

(b) More than one credit in exploratory vocational courses as defined in s. 228.041(22)(a)2.

(c) More than three credits in practical arts home economics classes as defined in s. 228.041(22)(a)4.

(8) The state board, after a public hearing and consideration, shall make provision for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking, or psychological process skills.

(9) A student who meets all requirements prescribed in subsections (1), ~~(4)(5)~~, and ~~(5)(6)~~ shall be awarded a standard diploma in a form prescribed by the state board. A school board may attach the Florida gold seal vocational endorsement to a standard diploma pursuant to s. 239.217 or, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and ~~(4)(5)~~, but who is unable to meet the standards of ~~subsection (5) paragraph (6)(a), paragraph (6)(b), or paragraph (6)(d)~~, shall be awarded a certificate of completion in a form prescribed by the state board. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his identified deficiencies. This special instruction shall be funded from the state compensatory education funds of the district.

(10) The public hearing and consideration required in ~~subsection (9) paragraphs (a) and (b) of subsection (6) and in subsection (9)~~ shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 232.248.

Section 3. Paragraph (o) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) Instruction in vocational education.—~~Effective for the 1985-1986 school year and thereafter~~, District pupil progression plans ~~must~~ *shall* provide for the substitution of vocational courses for the nonelective courses required for high school graduation pursuant to s. 232.246. A student in grades 9 through 12 who enrolls in and satisfactorily completes a job-preparatory program may substitute credit for a portion of the required ~~four~~ credits in English, ~~three credits in~~ mathematics, and ~~three credits in~~ science. The credit substituted for English, mathematics, or science earned through the vocational job-preparatory program shall be on a curriculum equivalency basis as provided for in the State Course Code Directory. Upon adoption of curriculum frameworks for vocational courses pursuant to s. 233.011, the State Board of Education shall authorize by rule vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science. School districts shall provide for vocational course substitutions not to exceed two credits in each of the nonelective academic subject areas of English, mathematics, and science, upon adoption of vocational student performance standards by the school board pursuant to s. 232.2454. A vocational program which has been used as a substitute for a nonelective academic credit in one subject area may not be used as a substitute for any other subject area. ~~The Credit in practical arts or exploratory vocational education required for high school graduation pursuant to s. 232.246 s. 232.246(1)~~ shall be funded as a vocational education course.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, following the semicolon (;) insert: amending s. 232.246, F.S.; decreasing the number of required credits for high school graduation; providing for determination by district school boards; conforming provisions; amending s. 236.081, F.S.; providing conforming provisions to the Florida Education Finance Program;

Senator Williams moved the following amendment which was adopted:

Amendment 7 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 18. Subsection (2) of section 239.217, Florida Statutes, is amended to read:

239.217 Florida Gold Seal Vocational Endorsement Program.—

(2) Each school district may award the Florida gold seal vocational endorsement to a high school student who meets the requirements of this section. To be eligible for award of the Florida gold seal vocational endorsement, a student must:

(a) Meet all requirements for graduation as specified in s. 232.246, including number of credits, courses, grade point average, and mastery of minimum performance standards and basic skills.

(b) Complete a vocational job preparatory program pursuant to ss. 228.041 and 236.081, consisting of a minimum of three vocational credits in a sequential program of studies in a vocational job-preparatory or technology-education program. On-the-job training credit may not be substituted for the three vocational credits.

(c) Demonstrate competency in a manner approved by the State Board of Education in ~~for vocational competencies related to the specific job preparatory program completed~~; basic skills of reading, writing, and computation related to the occupation; and general skills and knowledge related to employability.

(d) Earn a minimum cumulative unweighted grade point average of 3.0 on a 4.0 scale on all subjects required for a standard high school diploma.

(e) Earn a minimum unweighted grade point average of 3.5 on a 4.0 scale for secondary vocational courses comprising the vocational program.

If a student does not meet the requirements of this subsection as a result of inaccurate or incomplete information provided by a high school guidance counselor, teacher, or school district personnel, the student may, nevertheless, be eligible for the Florida gold seal vocational endorsement if the principal of the school or the district superintendent verifies that such inaccuracies or misinformation caused the deficiencies. The school district must provide a means for the student to correct deficiencies resulting from such misinformation. The student must correct the deficiencies no later than December 31 immediately following high school graduation, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program that is developed and administered by the school district. If the student does not complete the requirements necessary to correct the deficiencies by December 31 immediately following high school graduation, the student is ineligible to participate in the Florida Gold Seal Vocational Endorsement Program.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, following the semicolon (;) insert: amending s. 239.217, F.S.; revising requirements for eligibility for the Florida gold seal vocational endorsement; providing for correction of deficiencies;

Senator Grogan moved the following amendment which was adopted:

Amendment 8 (with Title Amendment)—On page 46, between lines 6 and 7, insert:

Section 18. (1) This section may be cited as the "Educational Funding Accountability Act."

(2) As used in this section, the term:

(a) "Administrative personnel" means principals, assistant principals, assistant superintendents, supervisory personnel, and all other management personnel as classified by the Public Employees Relations Commission.

(b) "Administrative support personnel" means school board employees who spend less than 60 percent of their workday at an assigned school site or who are assigned to the district office or another nonschool site and who do not qualify in another category. The term includes all school-based confidential employees.

(c) "Instructional personnel" means employees who are certified classroom teachers who spend at least 75 percent of their normal workday teaching or instructing one or more students. This category shall include only employees recognized by the Public Employees Relations Commission as included in the certified teacher bargaining unit.

(d) "Instructional specialists" means guidance counselors, librarians or media specialists, and other certified personnel who work with students on a daily basis or assist with the learning process. This category shall include only employees recognized by the Public Employees Relations Commission as included in the certified teacher bargaining unit.

(e) "Instructional support personnel" means school board employees who assist teachers and who are primarily responsible for direct support in instructing students. The term includes teacher aides, teacher assistants, aides or assistants to librarians or media specialists, aides or assistants to guidance counselors, and substitute teachers who are assigned to classroom duties.

(f) "School support personnel" means custodial personnel, bus drivers, office personnel, secretaries, cafeteria personnel, and district maintenance personnel. The term includes any other personnel not included in any other category who are not management.

(3) Each school board must classify each employee of the school board or school district into one of the following categories:

- (a) Instructional personnel;
- (b) Instructional specialist;
- (c) Instructional support personnel;
- (d) Administrative personnel;
- (e) Administrative support personnel; or
- (f) School support personnel.

The school board shall notify each employee of such classification.

(4)(a) The annual school report to parents must include the exact number of employees in each of the categories listed in subsection (3), by work location.

(b) Any teacher-to-student ratio or class-size measure required by law or State Board of Education rule must be computed by dividing the number of students in attendance at the school by the number of instructional personnel pursuant to paragraph (3)(a). Class-size reports for exceptional student education shall be computed by dividing the number of exceptional students by the number of exceptional-education classroom teachers who are classified as instructional personnel pursuant to paragraph (3)(a).

(5)(a) The following expenditures by the school board are administrative expenditures:

1. Travel reimbursement for school board employees other than instructional personnel or instructional specialists.
2. Supplies or equipment for a district office or a nonschool site.
3. Salaries and benefits for employees classified as administrative personnel.
4. Salaries and benefits for employees classified as administrative support personnel.
5. Salary and benefits for the superintendent.
6. Salaries and benefits for school board members.
7. Expenditures for legal, accounting, and other professional services.

(b) The following expenditures by the school board are instructional support expenditures:

1. Salaries, benefits, and travel reimbursement for employees classified as instructional personnel or instructional specialists.
2. Salaries and benefits for employees classified as instructional support personnel.
3. Salaries and benefits for employees classified as school support personnel.

4. Equipment, supplies, and materials used at a school site.
5. Expenses directly incurred for instructional materials and student transportation.
6. An employee's compensation for coaching or tutoring students.
7. Any expenditures for the continuing education of any school board employee or any school board member or for informational services.

(6) Each school district shall annually submit a report by October 1, for the previous school year, which identifies administrative expenditures and instructional support expenditures that are established as separate accounts. In addition, the report shall include the number of employees in each category outlined in subsection (3) and the percentage of employees in each category. The report shall also state the number of unweighted FTE's enrolled in the school district and the total amount of funds expended for administrative purposes as defined in paragraph (5)(a). The total amount of administrative expenditures shall be divided by the number of unweighted FTE's to determine administrative expenditures per student. This calculation shall also be reported in the school report cards. This report shall be submitted to the Commissioner of Education and shall be made available to the public at various school sites throughout the school district. The school report cards shall contain notification of the availability of this report.

(7)(a) Nothing in this section requires changes in the statewide staff and financial database established pursuant to sections 229.555 and 237.01, Florida Statutes.

(b) Nothing in this section in any way alters the provisions of part II of chapter 447, Florida Statutes.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, following the semicolon (;) insert: creating the Educational Funding Accountability Act; providing definitions; requiring each school board to classify employees of the school board and the school district according to the employees' duties; requiring certain personnel information to be reported; providing for classification of school board expenditures; requiring reporting of certain expenditures; specifying that certain changes in the statewide staff and financial database are not required; providing that the provisions of part II of ch. 447, F.S., are not affected by the Educational Funding Accountability Act;

Senator Dyer moved the following amendments which were adopted:

Amendment 9 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 18. Paragraph (c) of subsection (6) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(c) Until July 1, 1994, the Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01, 232.04; 232.245; 232.2462; 232.426; 233.011, 233.34(2); 236.013(3) relating to the 36-hour limit; and 236.135. Graduation requirements in s. 232.246 may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory if a waiver from the requirements of s. 232.2462 has been approved based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit

awarded for a course or program beyond that allowed by the Course Code Directory shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, after the semicolon (;) insert: amending s. 229.592, F.S.; providing for waiver of provisions relating to use of instructional materials allocations;

Amendment 10 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 18. Subsection (4) of section 233.07, Florida Statutes, is amended to read:

233.07 State instructional materials committees.—

(4) For purposes of this chapter, the term "instructional materials" means ~~are defined as~~ items that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, slides, films and filmstrips, recordings, manipulatives, computer ~~software~~ ~~coursework~~, video discs, or other such electronic media or combination thereof, and other commonly accepted instructional tools. *The term does not include electronic or computer hardware or supplies.*

Section 19. Paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is amended to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) Written proof that the publisher has provided written correlations to the following instructional objectives when appropriate: *outcomes specified in "Blueprint 2000,"* standards of excellence, the minimum student performance standards, and the raise achievement in secondary education program (RAISE), which provides for curriculum frameworks for secondary level courses.

Section 20. Section 236.122, Florida Statutes, is amended to read:

236.122 Allocation for instructional materials.—*Annually, a separate categorical amount must be established in the General Appropriations Act as an allocation for instructional materials. These funds may be used only for instructional materials as defined in s. 233.07. The department is authorized to allocate and distribute to each district this amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this section, unweighted full-time equivalent students enrolled in the laboratory schools in the State University System are to be included as school district students and reported as such to the department. The annual allocation shall be determined as follows:*

(1) The growth allocation for each school district shall be calculated as follows:

(a) Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

(b) Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

(c) The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(2) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(3) In the event the funds appropriated are not sufficient for the purpose of implementing this section in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

Section 21. Section 236.1221, Florida Statutes, is created to read:

236.1221 District allocation of instructional materials funds.—Each school board shall establish policies and procedures to allow for the flexible use of instructional materials funds provided under s. 236.122. The policies and procedures must reflect the nature and intent of school site decisionmaking established in the provisions of "Blueprint 2000," pursuant to ss. 229.591 and 229.592.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 29, after the semicolon (;) insert: amending s. 233.07, F.S.; redefining the term "instructional materials"; amending s. 233.25, F.S.; prescribing requirements applicable to publishers and manufacturers of instructional materials; amending s. 236.122, F.S.; requiring a separate classrooms-first allocation to be established annually in the General Appropriations Act; creating s. 236.1221, F.S.; providing for school district allocation of instructional materials funds;

Senator Crist moved the following amendment which was adopted:

Amendment 11 (with Title Amendment)—On page 2, following line 31, insert:

Section 1. A new paragraph (l) is added to subsection (1) of section 232.246, Florida Statutes, to read:

232.246 General requirements for high school graduation.—

(1) Successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation. The 24 credits shall be distributed as follows:

(l) *Student completion of an International Baccalaureate curriculum shall be deemed to meet the curricular requirements of this subsection.*

Section 2. Paragraphs (a) and (c) of subsection (1) of section 232.2465, Florida Statutes, are amended to read:

232.2465 Florida Academic Scholars' Certificate Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public school students and nonpublic school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein, and as further specified by the State Board of Education, a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(a) ~~Effective with the 1983-1984 school year, Complete a program of at least 24 credits two more credits than the minimum number of credits required for high school graduation~~ in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature;

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available;

3. Four years of progressively advanced instruction in mathematics, including courses in algebra and geometry and calculus or trigonometry;

4. Two years of sequential foreign language;

5. One year of instruction in art and music or in either art or music;

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems; and

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(c) In lieu of the requirements specified in paragraphs (a) and (b), successfully complete the International Baccalaureate Program sponsored and administered by the International Baccalaureate Office. *A student who completes the International Baccalaureate curriculum and achieves the score required in paragraph (b) shall also qualify.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, following the semicolon (;) insert: amending s. 232.246, F.S.; revising certain standards related to high school graduation; amending s. 232.2465, F.S.; revising qualification standards for Florida Academic Scholars;

On motion by Senator Johnson, further consideration of **CS for SB 1762** as amended was deferred.

CS for SB 164—A bill to be entitled An act relating to the Florida Retirement System; amending ss. 121.021, 121.0515, F.S.; adding to the Special Risk Class of membership within the system certain emergency medical technicians and paramedics; providing for a finding of important state interest; providing an effective date.

—was read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for SB 164** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—20 Nays—11

The Senate resumed consideration of—

CS for SB 1762—A bill to be entitled An act relating to education; amending s. 231.095, F.S.; deleting an obsolete reference; amending s. 231.17, F.S.; revising provisions relating to teacher certification, including application procedures, eligibility, examination, the professional orientation program, and application of statutes and rules; providing an alternative means of satisfying the College Level Academic Skills Test; providing for the acceptance of credentials from foreign institutions; amending s. 231.173, F.S.; providing for certification of out-of-state administrators; providing for certificate criteria; amending s. 231.24, F.S.; revising provisions relating to certification renewal; providing for a late fee; amending s. 231.261, F.S.; correcting a cross-reference; revising provisions relating to financing the Education Practices Commission; amending s. 231.262, F.S.; revising requirements for hearing a complaint against a teacher or administrator; revising penalties imposed by the commission; providing for the disposition of funds derived from penalties; amending s. 231.28, F.S.; providing grounds for revocation, suspension, or discipline of certified educators; revising reporting requirements for certain violations by certified and district qualified school personnel; amending s. 231.30, F.S.; revising provisions relating to establishment of certification fees; providing fee caps; providing for remittance of certain moneys; amending s.

231.603, F.S.; requiring annual teacher education center inservice plan updates; amending s. 231.606, F.S.; revising duties of teacher education center councils; amending s. 231.609, F.S., relating to funding of teacher education centers; deleting funding by colleges and universities; amending s. 231.613, F.S., relating to inservice training institutes; revising requirements; transferring approval authority from the Commissioner of Education to school boards; amending s. 233.067, F.S.; conforming provisions; amending s. 236.0811, F.S.; providing for local school board approval of master inservice plans; providing for annual updating; revising plan components; requiring inservice funds to be withheld under certain circumstances; amending s. 240.529, F.S., relating to approval of teacher preparation programs; providing for program development; revising requirements for admission; revising continued approval requirements; repealing s. 231.15(3), F.S., relating to certification fees; repealing s. 231.1711, F.S., relating to processing applications for certification; amending s. 231.45, F.S.; providing for reporting employee absences; providing an effective date.

—which had been previously considered and amended this day.

Senator Dudley moved the following amendment which was adopted:

Amendment 12—On page 38, line 27 through page 39, line 9, strike all of said lines and insert: shall require, as a prerequisite for admission into the program, that a student receive a passing score at the 40th percentile or above, as to be established by state board rule, on a nationally standardized college entrance examination. However, the State Board of Education shall provide by rule for a

SENATOR JENNE PRESIDING

Senator Grogan moved the following amendment which was adopted:

Amendment 13 (with Title Amendment)—On page 46, between lines 5 and 6, insert:

Section 18. Section 509.302, Florida Statutes, is amended to read:

509.302 Director of education, personnel, employment duties, compensation.—

(1) The *Florida State University director* shall, with the *consent* ~~advice~~ of the advisory council, employ a director of education for the lodging and food service industry.

(2) The director of education shall develop and implement an educational program, designated the "Hospitality Education Program," offered for the entire industry. This program *shall be administered and managed by Florida State University and shall be affiliated may affiliate* with ~~Florida State University~~, Florida International University, and the University of Central Florida. *The program may affiliate with lodging, nontransient apartment and food service related programs at any other postsecondary educational institution approved by the council.* The primary goal of this program is to inform all individuals and businesses licensed under this chapter, *in cooperation with recognized associations that represent licensees*, as to training and instruction in the application of state and federal laws and rules. Such programs shall also include:

(a) Vocational training.

(b) Management training.

(c) Inservice continuing education programs.

(d) Such other programs as ~~may be~~ deemed appropriate by ~~the director of the division~~, the advisory council, and the director of education.

(3) All public lodging establishments and all public food service establishments licensed under this chapter shall pay a fee of no more than \$6 which shall be included in the *annual* license fee and which shall be used for the sole purpose of funding the Hospitality Education Program.

(4) The director of education shall formulate a *budget*, programs, and activities to accomplish the purposes of this section in accordance with and subject to the advice and *approval recommendations* of the advisory council.

(5) The director of education, ~~with the approval of the director and~~ with the advice of the advisory council, may employ such personnel as necessary to carry out the purposes of this section.

(6) The director of education and the staff shall receive ~~such~~ compensation as may be approved by the *Florida State University director* acting with the advice of the advisory council.

(7) The director of education, with ~~the approval of the director and~~ consent of the advisory council, may designate funds, not to exceed \$150,000 ~~\$100,000~~ annually, to support school-to-career transition programs in the hospitality services field. Such programs shall be designed to prepare students for progressive careers in the hospitality industry.

(a) The director of education shall ~~supervise have supervision over~~ the administration of the programs ~~set forth~~ in this subsection and shall *report at all advisory council meetings and any other times prescribed by the council.*

(b) The division shall ~~adopt promulgate~~ rules, *to be proposed by the director of education*, providing the criteria for program approval and the procedures for processing program applications. The criteria and procedures shall be approved by the advisory council.

Section 19. All personnel, records, property, and unexpended balances of appropriations, allocations, or other funds associated with the Hospitality Education Program are transferred from the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to the Florida State University College of Business. The transfer of the funds must be made so that the relation between the Hospitality Education Program and the revenue source is retained. The Department of Business and Professional Regulation shall provide to the State University System and the advisory council established by section 509.291, Florida Statutes, an accounting of all revenues, cash balances, and expenditures associated with this program as of June 30, 1994. The Department of Business and Professional Regulation shall, by December 31, 1994, transfer to the State University System all unexpended cash balances associated with the program. However, the advisory council may authorize an extension of the transfer of unexpended cash balances until June 30, 1995, if the council determines that sufficient cash balances are not available to accomplish this transfer by December 31, 1994.

Section 20. Subsection (1) of section 509.291, Florida Statutes, is amended to read:

509.291 Advisory council.—

(1) There is created a ~~18 17~~ member advisory council.

(a) The secretary of the Department of Business Regulation shall appoint 10 voting members to the advisory council. Each member appointed by the secretary must be an operator of an establishment licensed under this chapter and shall represent the industries regulated by the division, except that one member appointed by the secretary must be a lay person and shall represent the general public. Such members of the council shall serve staggered terms of 4 years.

(b) The division, the Department of Health and Rehabilitative Services, the Florida Hotel and Motel Association, the Florida Restaurant Association, the Florida Apartment Association, *the American Resort Development Association/Florida as limited to those representatives whose establishments are regulated under this chapter*, and the Florida Association of Realtors shall each designate one representative to serve as a voting member of the council. In addition, one hospitality administration educator from a state university affiliated with the Hospitality Education Program created under s. 509.302 shall serve for a term of 2 years as a voting member of the council. This representative shall be designated on a rotating basis by the state universities affiliated with this program.

(c) Any member who fails to attend three consecutive council meetings without good cause may be removed from the council by the secretary.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 29, after the semicolon (;) insert: amending s. 509.302, F.S.; providing for the Hospitality Education Program to be administered and managed by Florida State University in affiliation with Florida International University and the University of Central Florida and others; revising the goals of the program; strengthening the role of the advisory council; providing for a budget; increasing funds authorized to support school-to-career transition programs; providing for rules; pro-

viding for a transfer of personnel, records, property, and funds relating to the Hospitality Education Program from the Department of Business and Professional Regulation to the Florida State University College of Business; providing for a separate accounting; authorizing an extension of the transfer under certain circumstances; amending s. 509.291, F.S.; increasing the membership of the advisory council; providing designation of a representative to the advisory council by the American Resort Development Association/Florida from among its membership that is regulated under chapter 509;

On motion by Senator Johnson, by two-thirds vote **CS for SB 1762** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34 Nays—None

CS for SB 1756—A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.313, F.S.; revising provisions relating to conflicting employment or contractual relationships to include applicability to local government attorneys; providing exceptions; including appointed state officers, certain legislative employees, specified employees of the State University System, and elected officers of school districts in provisions restricting postemployment representation of others before their former agencies; providing a definition and applicability; authorizing school districts to adopt resolutions regulating postemployment representation of others by former employees before their former agencies; providing penalties; amending s. 112.3135, F.S.; prohibiting the appointment, employment, promotion, or advancement of any individual if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member; revising and providing definitions; providing penalties; amending s. 112.3144, F.S.; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State the list of names, addresses, and offices held by every person required to file full and public disclosure of financial interests; amending s. 112.3145, F.S.; requiring local officers who do not permanently reside in any county in the state to file their statement of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State and the supervisors of elections the list of names, addresses, and offices or positions held by every state officer, local officer, or specified employee required to disclose financial interests and clients represented before certain agencies, as applicable; amending ss. 112.3148 and 112.3149, F.S., relating to requirements for gift receipt and reporting and for honoraria; revising the definitions of "lobbyist" to provide applicability with respect to agency registration systems; allowing water management districts to give certain gifts if a public purpose can be shown; revising the definition of "honorarium" to exclude event or meeting registration fees; amending s. 112.317, F.S.; increasing the cap on civil penalties applicable to ethics and financial disclosure violations; modifying the standard for assessing costs and attorney's fees against a complainant; reenacting ss. 24.105(20)(b) and (c), 112.3145(6)(c) and (e), 112.322(2)(b), 287.175, and 350.043, F.S., relating to powers and duties of the Department of the Lottery, financial disclosure notice, powers and duties of the Commission on Ethics, penalties applicable to violations of provisions regulating state officer and employee transportation, and enforcement of provisions relating to the Public Service Commission, to incorporate the amendment to s. 112.317, F.S., in references thereto; amending s. 112.3185, F.S.; including the Public Service Commission under provisions applying restrictions on employees and former employees of agencies who participate or participated in the procurement of contractual services for their agencies; providing applicability; amending s. 112.324, F.S., relating to procedures on complaints of violations; requiring the public report on a dismissed complaint to state with particularity the reasons for dismissal; revising provisions relating to disciplinary officials or bodies and the public officers and employees subject to their disciplinary action; amending s. 112.326, F.S., relating to additional requirements; authorizing agencies and political subdivisions to adopt more stringent standards of conduct and disclosure requirements under certain circumstances; providing an effective date.

—was read the second time by title.

Senator Childers moved the following amendment:

Amendment 1 (with Title Amendment)—On page 3, line 31, strike everything after the enacting clause and insert:

Section 1. Subsection (2), subsections (4) through (6), and subsections (8), (9), (13), and (14) of section 112.313, Florida Statutes, are amended, and subsection (16) is added to said section, to read:

112.313 Standards of conduct for public officers, ~~and~~ employees of agencies, ~~and local government attorneys.~~—

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer, employee of an agency, *local government attorney*, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, *local government attorney*, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE'S AGENCY.**—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is a state officer or employee, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer, ~~or~~ employee of an agency, ~~or local government attorney~~ or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, ~~or~~ employee, ~~or local government attorney~~ knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, ~~or~~ employee, ~~or local government attorney~~ was expected to participate in his official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his salary, expenses, or other compensation as a public officer, as provided by law. *No local government attorney shall be prevented from considering any matter affecting his salary, expenses, or other compensation as the local government attorney, as provided by law.*

(6) **MISUSE OF PUBLIC POSITION.**—No public officer, ~~or~~ employee of an agency, ~~or local government attorney~~ shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit, or exemption for himself or others. This section shall not be construed to conflict with s. 104.31.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—No public officer, ~~or~~ employee of an agency, ~~or local government attorney~~ shall disclose or use information not available to members of the general public and gained by reason of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) **POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.**—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected ~~officers~~ *officials*, *appointed state officers*, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Advisory Council on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) *The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Regents; and the president, vice presidents, and deans of each state university.*

(VI)(V) Any person having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations. "Officer" ~~means any member of the Legislature or a statewide elected officer.~~

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. No agency employee shall personally represent another person or entity for compensation before the agency with which he was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989; ~~or~~

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person ~~persons~~ who has ~~have~~ reached normal retirement age as defined in s. 121.021(29), and who has ~~have~~ retired under the provisions of chapter 121 by July 1, 1991; or ~~or~~

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, ~~or~~ special district, or school district officer or a county, municipal, ~~or~~ special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, ~~or~~ special district, or school district office may not personally represent another person or entity for compensation before the governing body of which he was an officer for a period of 2 years after he vacates that office. The provisions of this subsection shall not apply to elected officers ~~officials~~ holding office as of October 1, 1992, until after their next election, and shall not apply to elected officers of school districts holding office on January 1, 1995, until after their next election.

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, "local government attorney" means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, "unit of local government" includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

Section 2. Subsection (1) and paragraph (a) of subsection (2) of section 112.3135, Florida Statutes, are amended to read:

112.3135 Restriction on employment of relatives.—

(1) In this section, unless the context otherwise requires:

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Division of Universities of the Department of Education;

2. An office, agency, or other establishment in the legislative branch;

3. An office, agency, or other establishment in the judicial branch;

4. A county;

5. A city; and

6. Any other political subdivision of the state, except a district school board or community college district.

(b) "Collegial body" means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(c)(b) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, *including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.*

(d)(e) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual *or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population.*

Section 3. Section 112.3143, Florida Statutes, is amended to read:

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in his official capacity on any matter. However, any state public officer voting in his official capacity upon any measure which would inure to his special private gain or loss; which he knows would inure to the special private gain or loss of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained; or which he knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in his official capacity upon any measure which would inure to his special private gain or loss; which he knows would inure to the special private gain or loss of any principal by whom he is retained or to the parent organization or subsidiary of a corporate principal by which he is retained, other than an agency as defined in s. 112.312(3)(2); or which he knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of his interest in the matter from which he is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to his special private gain or loss; which he knows would inure to the special private gain or loss of any principal by whom he is retained or to the parent organization or subsidiary of a corporate princi-

pal by which he is retained; or which he knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

Section 4. Paragraph (a) of subsection (3) of section 112.3144, Florida Statutes, is amended to read:

112.3144 Full and public disclosure of financial interests.—

(3) Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution, and a current list of persons required to file full and public disclosure by s. 8, Art. II of the State Constitution, or other state law, shall be provided by the Commission on Ethics to the Secretary of State, who shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) ~~Not later than May April 1 of each year, the Commission on Ethics shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law, and shall provide the Secretary of State with the mailing list. In compiling the list, the commission shall be assisted by each unit of government in providing at the request of the commission the name, address, and name of the office held by each public official within the respective unit of government.~~

~~2. Not later than April 15 of each year, the commission shall provide the Secretary of State with the mailing list.~~

Section 5. Paragraph (c) of subsection (1), paragraph (c) of subsection (2), and paragraph (a) of subsection (6) of section 112.3145, Florida Statutes, are amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents, the Chancellor and Vice Chancellors ~~Chancellor~~ of the State University System, and the president of a state university.

(2)

(c) State officers, persons qualifying for a state office, and specified state employees shall file their statements of financial interests with the Secretary of State. Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside. *Local officers who do not permanently reside in any county in the state shall file their statement of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters.* Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be provided by the Commission on Ethics to the Secretary of State and to each supervisor of elections, who shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a)1. Not later than *May April* 1 of each year, the Commission on Ethics shall prepare a current list of the names and addresses of, and the offices or positions held by, every state officer, local officer, and specified employee. In compiling the list, the commission shall be assisted by each unit of government in providing, at the request of the commission, the name, address, and name of agency of, and the office or position held by, each state officer, local officer, or specified state employee within the respective unit of government.

2. Not later than *May April* 15 of each year, the commission shall provide the Secretary of State with a current mailing list of all state officers and specified employees and shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor of elections.

Section 6. Paragraph (b) of subsection (2) and paragraphs (a) and (b) of subsection (6) of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(2) As used in this section:

(b)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration ~~or other designation~~ process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered ~~or otherwise designated~~ as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered ~~or otherwise designated~~ as a lobbyist in accordance with such rule, ordinance, or law. *At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.*

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a *water management district created pursuant to s. 373.069*, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a *water management district created pursuant to s. 373.069*, a county, a municipality, an air-

port authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

Section 7. Paragraphs (a) and (d) of subsection (1) of section 112.3149, Florida Statutes, are amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(1) As used in this section:

(a) "Honorarium" means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his behalf, as consideration for:

1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.

2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

The term "honorarium" does not include the payment for services related to employment held outside the reporting individual's or procurement employee's public position which resulted in the person becoming a reporting individual or procurement employee, any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties, a campaign contribution reported pursuant to chapter 106, or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, *including any event or meeting registration fee*, for a reporting individual or procurement employee and spouse.

(d)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration ~~or other designation~~ process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered ~~or otherwise designated~~ as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered ~~or otherwise designated~~ as a lobbyist in accordance with such rule, ordinance, or law. *At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.*

Section 8. Subsections (1) and (8) of section 112.317, Florida Statutes, are amended to read:

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000 ~~\$5,000~~.

7. Restitution of any pecuniary benefits received because of the violation committed.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000 \$5,000.

7. Restitution of any pecuniary benefits received because of the violation committed.

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8(a) and (h), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000 \$5,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000 \$5,000.
3. Restitution of any pecuniary benefits received because of the violation committed.

(8) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part and in which such complaint is found to be frivolous and without basis in law or fact, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of by the person complained against. If the complainant fails to pay such costs voluntarily within 30 days following such finding and dismissal of the complaint by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action to recover such costs.

Section 9. Section 112.3185, Florida Statutes, is amended to read:

112.3185 Contractual services.—

(1) For the purposes of this section:

(a) "Contractual services" shall be defined as set forth in *ch 287 s. 287.012*.

(b) "Agency" means any state officer, department, board, commission, or council of the executive branch or judicial branch of state government and includes the Public Service Commission.

(2) No agency employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services shall become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(3) No agency employee shall, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the

agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee.

(4) No agency employee shall, within 2 years after of retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his responsibility while an employee.

(5) The sum of money paid to a former agency employee during the first year after the cessation of his responsibilities, by the agency with whom he was employed, for contractual services provided to the agency by him, shall not exceed the annual salary received by him on the date of cessation of his responsibilities. The provisions of this subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings for the state.

(6) No agency employee acting in his official capacity shall directly or indirectly procure contractual services for his own agency from any business entity of which a relative is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest.

(7) A violation of any provision of this section is punishable in accordance with s. 112.317.

(8) *This section is not applicable to any employee of the Public Service Commission who was so employed on or before December 31, 1994.*

Section 10. Section 112.3231, Florida Statutes, is amended to read:

112.3231 Time limitations.—

(1) On or after October 1, 1993, all sworn complaints alleging a violation of this part, or of any other breach of the public trust within the jurisdiction of the Commission on Ethics under s. 8, Art. II of the State Constitution, shall be filed with the commission within 5 years of the alleged violation or other breach of the public trust.

(2) A violation of this part or any other breach of public trust is committed when every element has occurred or, if the violation or breach of public trust involves a continuing course of conduct, at the time when the course of conduct or the officer's, employee's, or candidate's complicity therein is terminated. Time starts to run on the day after the violation or breach of public trust is committed.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the public officer, employee, or candidate is filed with the Commission on Ethics. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the complaint shall be dismissed and the commission shall issue allegations shall not be considered a complaint for the purpose of requiring the issuance of a public report. Furthermore, the complaint and all material related thereto shall remain confidential.

Section 11. Subsections (2) and (7) of section 112.324, Florida Statutes, are amended to read:

112.324 Procedures on complaints of violations.—

(2) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal of the complaint. At that time, the complaint and all materials relating to the complaint shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing.

Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interests of the state.

(7) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (h), Art. II of the State Constitution:

(a) *The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, members of the Advisory Council on Intergovernmental Relations, or members of the Advisory Council on Environmental Education.*

(b) *The Supreme Court, in any case concerning an employee of the judicial branch.*

(c) *The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, Advisory Council on Intergovernmental Relations, or Advisory Council on Environmental Education.*

(d) *Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate, or former candidate.*

(a) ~~The Governor, in any case concerning officers who can be removed or suspended by the Governor.~~

(b) ~~The head of the agency, in any case concerning a state officer or employee not covered in paragraph (a).~~

(c) ~~The governing body or appointing official of an officer or employee of a county, city, or other political subdivision of the state not otherwise covered in paragraph (a).~~

(d) ~~The Secretary of State, in any case concerning a candidate whose name is placed on the ballot by certification of the Secretary of State only when the commission recommends removal of such candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (h), Art. II of the State Constitution.~~

(e) ~~The city commission or city council, in any case concerning a candidate for municipal office only when the commission recommends removal of such candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (h), Art. II of the State Constitution.~~

(f) ~~The county commission, in any case concerning a candidate for county office only when the commission recommends removal of such candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (h), Art. II of the State Constitution.~~

(g) ~~In any case concerning a former impeachable officer who has violated a provision applicable to former officers or whose violation occurred prior to leaving public office, the proper disciplinary official is the Governor.~~

(h) ~~In any other case concerning a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred prior to leaving public office or employment, the proper disciplinary official or body is the official or body designated by this subsection for the position formerly held by the individual.~~

(e)(4) ~~The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature prior to leaving public office, the proper disciplinary official is the Speaker of the House of Representatives or the President of the Senate, whichever is applicable.~~

Section 12. Section 112.326, Florida Statutes, is amended to read:

112.326 Additional requirements by political subdivisions and agencies not prohibited.—Nothing in this act shall prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own local officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

Section 13. For the purpose of incorporating the amendments to sections 112.313, 112.3143, and 112.317, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

24.105 Powers and duties of department.—The department shall:

(20) Employ division directors and other staff as may be necessary to carry out the provisions of this act; however:

(b) No officer or employee of the department having decisionmaking authority shall participate in any decision involving any vendor or retailer with whom the officer or employee has a financial interest. No such officer or employee may participate in any decision involving any vendor or retailer with whom the officer or employee has discussed employment opportunities without the approval of the secretary or, if such officer is the secretary or any member of the commission, without the approval of the Governor. Any officer or employee of the department shall notify the secretary of any such discussion or, if such officer is the secretary or a member of the commission, he shall notify the Governor. A violation of this paragraph is punishable in accordance with s. 112.317.

(c) No officer or employee of the department who leaves the employ of the department shall represent any vendor or retailer before the department regarding any specific matter in which the officer or employee was involved while employed by the department, for a period of 1 year following cessation of employment with the department. A violation of this paragraph is punishable in accordance with s. 112.317.

112.3145 Disclosure of financial interests and clients represented before agencies.—

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be provided by the Commission on Ethics to the Secretary of State and to each supervisor of elections, who shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(c) Not later than 30 days after July 1 of each year, the Secretary of State and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or Commission on Ethics if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, he is required by law to notify the Commission on Ethics of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement by September 1 of the current year, such person shall be subject to the penalties provided in s. 112.317.

(e) Any state officer, local officer, or specified employee whose name is not on the mailing list provided to the Secretary of State or supervisor of elections is not subject to the penalties provided in s. 112.317 for failure to timely file a statement of financial interests in any year in which the omission occurred.

112.322 Duties and powers of commission.—

(2)

(b) Upon completion of any investigation initiated under this subsection, the commission shall make a finding and public report as to whether any provision of the code of ethics has been violated or any other breach of the public trust has been committed by the subject official or employee. In the event that a violation or breach is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317.

286.012 Voting requirement at meetings of governmental bodies.—No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143. In such cases, said member shall comply with the disclosure requirements of s. 112.3143.

287.175 Penalties.—A violation of this part or a rule adopted hereunder, pursuant to applicable constitutional and statutory procedures, constitutes misuse of public position as defined in s. 112.313(6), and is punishable as provided in s. 112.317. The Comptroller shall report incidents of suspected misuse to the Commission on Ethics, and the commission shall investigate possible violations of this part or rules adopted hereunder when reported by the Comptroller, notwithstanding the provisions of s. 112.324. Any violation of this part or a rule adopted hereunder shall be presumed to have been committed with wrongful intent, but such presumption is rebuttable. Nothing in this section is intended to deny rights provided to career service employees by s. 110.227.

350.043 Enforcement and interpretation.—Any violation of s. 350.031, s. 350.04, s. 350.041, s. 350.042, or s. 350.0605 by a commissioner, former commissioner, former employee, or Public Service Commission Nominating Council member shall be punishable as provided in ss. 112.317 and 112.324. The Commission on Ethics is hereby given the power and authority to investigate complaints of violation of this chapter in the manner provided in part III of chapter 112, as if this section were included in that part. A commissioner may request an advisory opinion from the Commission on Ethics as provided by s. 112.322(3)(a).

Section 14. This act shall take effect January 1, 1995.

And the title is amended as follows:

In title, on page 1, lines 1-31; on page 2, lines 1-31; and on page 3, lines 1-27, strike all of said lines and insert: A bill to be entitled An act relating to the code of ethics for public officers and employees; amending s. 112.313, F.S.; defining the terms "local government attorney" and "unit of local government"; providing standards of conduct for local government attorneys; modifying the prohibition on conflicting employment or contractual relationships with respect to the delivery of legal services by attorneys to units of local government under certain circumstances; defining "appointed state officer"; defining "state agency"; including appointed state officers, certain legislative employees, specified employees of the State University System, and elected officers of school districts in provisions restricting postemployment representation of others before their former agencies; clarifying intent; providing applicability; authorizing school districts to adopt resolutions regulating postemployment representation of others by former employees before their former agencies; providing penalties; amending s. 112.3135, F.S.; defining the term "collegial body"; prohibiting the appointment, employment, promotion, or advancement of any individual if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member; amending s. 112.3143, F.S., revising a definition and modifying the prohibition on voting conflicts; amending s. 112.3144, F.S.; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State the list of names, addresses, and offices held by every person required to file full and public disclosure of financial interests; amending s. 112.3145, F.S.; requiring local officers who do not permanently reside in any county in the state to file their statement of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters; changing deadlines for the Commission on Ethics to prepare and submit to the Secretary of State and the supervisors of elections the list of names, addresses, and offices or positions held by every state officer, local officer, or specified employee required to disclose financial interests and clients represented before certain agencies, as applicable; amending ss. 112.3148 and

112.3149, F.S., relating to requirements for gift receipt and reporting and for honoraria; revising the definitions of "lobbyist" to provide applicability with respect to agency registration systems; allowing water management districts to give certain gifts if a public purpose can be shown; revising the definition of "honorarium" to exclude event or meeting registration fees; amending s. 112.317, F.S.; increasing the cap on civil penalties applicable to ethics and financial disclosure violations; modifying the standard for assessing costs and attorney's fees against a complainant; amending s. 112.3185, F.S.; including the Public Service Commission under provisions applying restrictions on employees and former employees of agencies who participate or participated in the procurement of contractual services for their agencies; providing applicability; amending s. 112.3231, F.S.; deleting the requirement for confidentiality of complaints for which the period of limitation has run; providing for dismissal of such complaints and the issuance of a public report with respect thereto; amending s. 112.324, F.S., relating to procedures on complaints of violations; requiring the public report on a dismissed complaint to state with particularity the reasons for dismissal; revising provisions relating to disciplinary officials or bodies and the public officers and employees subject to their disciplinary action; amending s. 112.326, F.S., relating to additional requirements; authorizing agencies and political subdivisions to adopt more stringent standards of conduct and disclosure requirements under certain circumstances; reenacting ss. 24.105(20)(b) and (c), 112.3145(6)(c) and (e), 112.322(2)(b), 286.012, 287.175, and 350.043, F.S., relating to powers and duties of the Department of the Lottery, financial disclosure notice, powers and duties of the Commission on Ethics, voting requirement at meetings of governmental bodies, penalties applicable to violations of provisions regulating state officer and employee transportation, and enforcement of provisions relating to the Public Service Commission, to incorporate the amendments to s. 112.313, 112.3143, and s. 112.317, F.S., in references thereto; providing an effective date.

Senator Forman moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A—On page 16, strike line 16 and insert: *management district created pursuant to s. 373.069, Tri-County Commuter Rail Authority, a county,*

Amendment 1B—On page 16, strike line 30 and insert: *pursuant to s. 373.069, Tri-County Commuter Rail Authority, a county, a municipality, an airport*

Amendment 1 as amended was adopted.

On motion by Senator Childers, by two-thirds vote **CS for SB 1756** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motions by Senator Dyer, by two-thirds vote **CS for HB 751** was withdrawn from the Committees on Education; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Dyer—

CS for HB 751—A bill to be entitled An act relating to personnel of the school system; creating s. 231.3605, F.S.; providing for employment of educational support employees; providing definitions; providing for probationary status and continued employment; providing for suspension of an employee and for a notice and appeals process; amending s. 231.434, F.S.; authorizing rules to provide annual leave for certain educational support employees; providing an effective date.

—a companion measure, was substituted for **SB 1648** and read the second time by title. On motion by Senator Dyer, by two-thirds vote **CS for HB 751** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

Consideration of **CS for SB 1852** was deferred.

CLAIM BILLS

MOTION

Senator Dudley called for a division of the question on consideration of **CS for SB 1774, SB 3150, SB 22 and SB 1330** which was adopted.

SB 1324—A bill to be entitled An act for the relief of Michael Whaley and David Whaley; providing an appropriation to provide them with interest upon the amount of damages awarded to them for damages sustained as a result of a sexual assault upon Michael Whaley which occurred on account of the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Foley and adopted:

Amendment 1—On page 3, line 4, strike "\$69,675" and insert: \$69,679

On motion by Senator Foley, by two-thirds vote **SB 1324** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for SB 2776—A bill to be entitled An act for the relief of Randall Gibson; directing the South Florida Water Management District to appropriate moneys to compensate him for personal injuries sustained as a result of the negligence of the district; providing an effective date.

—was read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for SB 2776** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

HB 585—A bill to be entitled An act relating to Dade County; providing for the relief of Ana Kirman; providing an appropriation to compensate her for injuries sustained as a result of the negligence of Dade County and the Miami Transit Authority; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 585** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 1391—A bill to be entitled An act relating to the City of Port Orange, Volusia County, Florida; providing for the relief of Bettye Jo Arnold; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Port Orange Police Department; providing an effective date.

—was read the second time by title.

Senator Burt offered the following amendment which was moved by Senator Wexler and adopted:

Amendment 1—On page 2, line 18, strike "\$416,600" and insert: \$362,600

On motion by Senator Wexler, by two-thirds vote **CS for HB 1391** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 445—A bill to be entitled An act relating to Dade County; providing for the relief of Rene Perez, to compensate him for serious and permanent personal injuries sustained as a result of the negligence of an employee of Dade County; providing for payment by the Board of County Commissioners of Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 445** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

HB 567—A bill to be entitled An act for the relief of Barbara E. A. Smith, widow of Lyman Michael Raymond Smith, deceased; providing an appropriation to compensate her for the death of Lyman Michael Raymond Smith; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 567** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

HB 1057—A bill to be entitled An act relating to Dade County; providing for the relief of Ardena R. Newry, as personal representative of the estate of Cyprian Newry, deceased, and Kijana Newry, Toyelle Newry, Cypriana Newry, Cyprian Newry, and Tryon Newry, children of Cyprian Newry, deceased, for injuries sustained as a result of the negligence of Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing for payment by the Public Health Trust of Dade County, d.b.a. Jackson Memorial Hospital; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 1057** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

HB 1097—A bill to be entitled An act for the relief of Jerry Bronstein; providing an appropriation to compensate him for payments owed him by the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **HB 1097** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 1487—A bill to be entitled An act providing for the relief of Luisa Amanda Roblero, as surviving parent of Jorge Enrique Roblero; providing an appropriation to compensate her for the death of her son due to the negligence of a Miami-Dade Community College security guard; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 1487** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 2195—A bill to be entitled An act for the relief of Dolores DeLucia; providing an appropriation to compensate her for damages sustained while traveling on a Metropolitan Dade County bus, resulting from the negligence of employees of Metropolitan Dade County, a political subdivision of the State of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 2195** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 2197—A bill to be entitled An act for the relief of Robin Driggers Williams and Kenneth E. McFarlin; providing an appropriation to compensate them for damages sustained as a result of the wrongful death of their daughter, Jennifer Driggers, due to the negligence of the Department of Education and the Florida School for the Deaf and the Blind; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 2197** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 2201—A bill to be entitled An act relating to Duval County; providing for the relief of James H. Dukes, to compensate him for injuries and damages sustained as a result of the negligence of the Jacksonville Transit Authority; providing for payment by the Jacksonville Transit Authority; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 2201** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

CS for HB 1575—A bill to be entitled An act relating to Hernando County; providing for the relief of Teresa Elaine Murdock; providing an appropriation to compensate her for personal injuries and related medical expenses resulting from a collision involving county vehicles and payment of a verdict rendered by a jury in Hernando County; providing for payment by insurance companies on behalf of Hernando County; providing an effective date.

—was read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for HB 1575** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—8

On motions by Senator Jones, by two-thirds vote—

CS for HB 447—A bill to be entitled An act for the relief of Raul Eguaras; providing an appropriation to compensate him for severe and permanent orthopedic and neurological injuries sustained due to the negligence of the Department of Natural Resources; providing an effective date.

—a companion measure, was substituted for **SB 1330** and by two-thirds vote read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 447** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27 Nays—11

SB 22—A bill to be entitled An act relating to North Broward Hospital District; providing for the relief of Troy Brown, a minor, by and through his mother and next friend, Patricia Ware, to compensate him for a verdict rendered which is in excess of the limits of the waiver of sovereign immunity; providing for payment by North Broward Hospital District; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **SB 22** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27 Nays—6

SB 3150—A bill to be entitled An act for the relief of Lori Burns, wife of Samuel A. Burns, deceased; providing an appropriation to compensate her for moneys paid into the Florida Retirement System by her husband, Samuel A. Burns; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote **SB 3150** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29 Nays—7

On motions by Senator Jones, by two-thirds vote **CS for HB 591** was withdrawn from the Special Master on Claims; and the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jones—

CS for HB 591—A bill to be entitled An act relating to Rosewood, Florida; directing the Florida Department of Law Enforcement to conduct investigations; requiring a report to the Legislature; appropriating funds to compensate Rosewood families for property damage; appropriating funds to compensate former residents, including Arnett T. Goins, Minnie L. Langley, Willie Evans, and Wilson Hall; providing for the establishment of a state university scholarship fund for Rosewood families; continue the Rosewood research and development of materials; providing an effective date.

—a companion measure, was substituted for **CS for SB 1774** and read the second time by title.

Senator Dudley moved the following amendment which failed:

Amendment 1—On page 2, line 21 through page 3, line 28, strike all of said lines

The vote was:

Yeas—11 Nays—29

Senator Burt moved the following amendment which failed:

Amendment 2—On page 2, line 23 and on page 3, line 1, strike “African-American”

Senator Dudley moved the following amendment which failed:

Amendment 3—On page 5, between lines 7 and 8, insert: This act may not be construed as an admission of liability on the part of the state for itself or any entity, agency, or subdivision of the state.

Senator Burt moved the following amendment which failed:

Amendment 4—On page 3, line 3, strike “minority” and insert: African-American

On motion by Senator Jones, by two-thirds vote **CS for HB 591** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26 Nays—14

SPECIAL ORDER, continued

On motions by Senator Forman, by two-thirds vote **CS for HB 2063** was withdrawn from the Committees on Community Affairs; and Finance, Taxation and Claims.

On motion by Senator Forman—

CS for HB 2063—A bill to be entitled An act relating to financial matters of local governments; creating s. 125.0171, F.S.; authorizing counties to contract for audits of persons who are required to pay any county tax or fee; prescribing guidelines for such contracts; creating s. 166.271, F.S.; authorizing municipalities to contract for audits of persons who are required to pay any municipal tax or fee; prescribing guidelines for such contracts; amending s. 125.66, F.S., allowing charter counties by extraordinary vote to alter the time for public hearings on land-use ordinances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1920** and read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 2063** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

Consideration of **Senate Bills 2288** and **308** was deferred.

On motion by Senator Williams, by two-thirds vote **CS for HB 1635** was withdrawn from the Committee on Professional Regulation.

On motion by Senator Williams—

CS for HB 1635—A bill to be entitled An act relating to public accountancy; creating s. 473.3145, F.S.; providing for the issuance of certificates of special competence in specialized fields of public accountancy and establishing the fields for which those certificates may be issued; providing disclosure limitations and requirements; providing powers and duties of and limitations on the Board of Accountancy; providing for duration of certification and for recertification on a biennial basis; providing minimum standards for certification and recertification; providing for discipline; providing responsibilities of certificateholders; providing for fees; providing for establishment of the Specialization Advisory Committee to advise and assist the board; providing rulemaking authority; amending s. 473.322, F.S.; prohibiting a person from knowingly assuming or using the title "board certified," unless the person holds a certificate of special competence; providing a penalty; reenacting s. 473.308, F.S., relating to licensure, to incorporate the amendment to s. 473.322, F.S., in a reference thereto; amending s. 473.323, F.S.; providing disciplinary authority; providing for an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1776** and read the second time by title. On motion by Senator Williams, by two-thirds vote **CS for HB 1635** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Burt, by unanimous consent—

CS for HB 1257—A bill to be entitled An act relating to the competitive bidding for governmental services; providing intent and definitions; providing duties and powers of the Governor and Cabinet, sitting as the Administration Commission; requiring the Administration Commission to consider certain cost comparison and contract considerations; requiring cooperation of state agencies; exempting certain contracts and decisions of the council from certain state purchasing requirements; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Burt moved the following amendment:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. (1) **DEFINITIONS.**—As used in this section:

(a) "Commercial activity" means an activity that provides a product or service that is commonly available from a private source.

(b) "Council" means the State Council on Competitive Government.

(c) "Identified state service" means a service provided by the state that the council has identified as a commercially available service and brought under study by the council to determine whether the service may be better provided through competition with private sources.

(2) **STATE COUNCIL ON COMPETITIVE GOVERNMENT.**—The State Council on Competitive Government is established. It is the policy of this state that all state services be performed in the most effective and efficient manner in order to be the best value to the public, and the state recognizes that competition among service providers may improve the quality of service provided. The council shall encourage competition, innovation, and creativity among service providers.

(3) **MEMBERSHIP.**—The council shall consist of the Governor and Cabinet. The Governor shall be presiding officer of the council.

(4) **MEETINGS.**—The council shall meet as often as necessary to perform its duties. In performing its duties, the council shall follow the rules and procedures, and use the staff, of the Administration Commission.

(5) **DUTIES.**—The council shall identify commercially available services currently being performed by state agencies and, if the council determines that such services may be better provided through competi-

tion with private sources or other state agency service providers, shall require a state agency to engage in any process, including competitive bidding, developed by the council to provide the service in competition with private sources or other state agency service providers.

(6) **POWERS.**—In performing its duties under this section, the council may:

(a) Adopt rules governing any aspect of the council's duties or responsibilities.

(b) Hold public hearings or conduct studies.

(c) Consult with private sources or state agencies that provide services.

(d) Require a state agency to conduct an agency in-house cost estimate, a management study, or any other hearing, study, review, or cost estimate concerning any aspect of an identified state service.

(e) Develop and require for use by state agencies methods to accurately and fairly estimate and account for the cost of providing an identified state service.

(f) Require that an identified state service be submitted to competitive bidding or another process that creates competition with private sources.

(g) Prescribe, in consultation with affected state agencies, the specifications and conditions of purchase procedures that must be followed by a state agency or a private source engaged in competitive bidding to provide an identified state service.

(h) Award a contract to a state agency currently providing the service, another state agency, a private source, or any combination of such entities, if the bidder presents the best and most reasonable bid, which is not necessarily the lowest bid.

(i) Determine the terms and conditions of a contract for service or interagency contract to provide an identified state service or other commercially available service.

(j) Require each bidder to provide a minimum level of health insurance coverage for employees, including optional family coverage, whether employer-paid or employee-paid, or a combination thereof.

(k) Require the agency to encourage state employees to organize and submit a bid for the identified service.

(7) **COST COMPARISON AND CONTRACT CONSIDERATIONS.**—In comparisons of the cost of providing a service, the council must consider the cost of supervising the work of any private contractor. All bids or contracts must include an analysis of health care benefits, retirement, and workers' compensation insurance for employees of the contractor which are reasonably comparable to those provided by the state. The council must also consider the total cost to the agency of such agency's performance of a service, such total cost to include all indirect costs related to that agency and including costs of such agencies as the Comptroller, the Treasurer, the Attorney General, and other such support agencies.

(8) **DUTIES OF AFFECTED STATE AGENCIES.**—A state agency shall perform any activities required by the council in the performance of its duties or the exercise of its powers under this section.

(9) **EXEMPTION.**—Contracts entered into by the council and decisions regarding whether an agency shall engage in competitive bidding are exempt from all laws of the state regulating or limiting state purchasing and purchasing decisions.

(10) **OPEN MEETINGS AND OPEN RECORDS LAWS.**—The meetings and records of the council are subject to the provision of sections 119.07 and 286.011, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to competitive bidding for government services; providing definitions; providing for membership, meetings, duties, and powers of the State Council on Competitive Government; requiring the council to consider certain cost comparison and contract consider-

ations; requiring cooperation of state agencies; exempting certain contracts and decisions of the council from certain state purchasing requirements; providing for public access to meetings and records of the council; providing an effective date.

Senator Burt moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (with Title Amendment)—On page 4, between lines 12 and 13, insert:

(10) A contract entered into pursuant to this section constitutes an executive branch recommendation only and shall not take effect until a specific appropriation is provided by law to fund such contract. In addition, all contracts entered into by executive branch agencies pursuant to this section shall state in their text that their effect is contingent upon a specific appropriation by law.

(Renumber subsequent subsection.)

And the title is amended as follows:

In title, on page 5, line 10, after the semicolon (;) insert: providing that certain contracts are contingent upon specific appropriation by law and must contain notice of such in their text;

Amendment 1B (with Title Amendment)—On page 4, between lines 20 and 21, insert:

Section 2. Task force created.—There is created the Real Property Lease-Procurement Task Force.

(1) The activities of the task force shall be coordinated by the Department of Management Services, and the task force shall be composed of five members: one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and three members appointed by the Governor. The Governor shall designate one member to serve as chair. Members of the task force shall receive no salary for their service on the task force but are entitled to receive travel and per diem under section 112.061, Florida Statutes.

(2) The task force shall meet as soon as is practicable after the members are appointed and shall meet as often as is necessary at the call of the chair. The Department of Management Services shall provide administrative and staff support to the task force. The task force shall study the efficiency and effectiveness of the state's real property lease-procurement process. The study shall include, but is not limited to, a comparison of a centralized process to the current decentralized process to determine which is more efficient and cost effective; an examination of the current roles and performance of the Division of Facilities Management and other state agencies in the lease-procurement process; whether the development of a method for using market analysis in lease procurement would improve the efficiency and effectiveness of the process; whether the state should develop a mechanism for considering telecommuting in determining future office space needs; whether the Department of Management Services should develop a system for reviewing agencies' real property needs and conduct business case analyses for determining the most cost-effective alternative; and an examination of alternative methods of creating fixed capital outlay projects in order to more expeditiously meet agencies' needs to buy, build, or lease property.

(3) No later than December 1, 1994, the task force shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report of its findings and recommendations with respect to the efficiency and effectiveness of the real property lease-procurement program.

(4) This section expires December 31, 1994.

Section 3. Present paragraph (b) of subsection (1) of section 255.25, Florida Statutes, is redesignated as paragraph (c), and a new paragraph (b) is added to that subsection to read:

255.25 Approval required prior to construction or lease of buildings.—

(1)

(b) During the term of existing leases, each agency shall monitor market conditions and shall initiate negotiations for each lease held in the private sector to effect the best overall lease terms reasonably available to that agency. Amendments to leases may be permitted to modify

any lease provisions or any other terms or conditions, except to the extent specifically prohibited by this chapter. The Department of Management Services shall serve as a mediator in lease renegotiations if the agency and the lessor are unable to reach a compromise within 6 months of renegotiation and if either the agency or lessor requests the Department of Management Services' intervention.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: creating a task force on leasing; providing membership; requiring a study of the state's real property lease-procurement process; requiring a report; amending s. 255.25, F.S.; requiring each agency to monitor market conditions and to initiate negotiations for each lease held in the private sector; authorizing modifications of leases;

Amendment 1 as amended was adopted.

On motion by Senator Burt, by two-thirds vote **CS for HB 1257** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—1

Consideration of **CS for SB 2498** was deferred.

SB 2150—A bill to be entitled An act relating to services for persons who have alcohol-related, drug-related, or mental-health-related problems; amending s. 394.65, F.S.; redesignating "The Community Alcohol, Drug Abuse, and Mental Health Services Act" as "The Community Substance-Abuse and Mental-Health Services Act"; amending s. 394.66, F.S.; revising legislative intent with respect to the provision of these services; amending s. 394.67, F.S.; revising applicable definitions to conform; adding definitions; amending s. 394.675, F.S.; providing a revised system for provision of substance-abuse and mental-health services; amending s. 394.715, F.S., pertaining to district alcohol, drug abuse, and mental health planning councils, to conform terminology and to delete an obsolete provision concerning periodic legislative review; amending s. 394.73, F.S., pertaining to joint agreements by two or more counties for providing service programs, to conform terminology; amending s. 394.74, F.S.; revising provisions concerning contracts for provision of local programs; providing for the appointment of a technical advisory committee; requiring evaluation and a report; amending s. 394.75, F.S.; revising provisions concerning district plans for providing services; amending s. 394.76, F.S.; revising provisions for financing district programs and services; amending s. 394.77, F.S., pertaining to the uniform management information and fiscal accounting systems used by providers, to conform terminology; amending s. 394.78, F.S., pertaining to standards applicable to and procedure for monitoring service providers, to conform terminology; amending s. 394.79, F.S., pertaining to the state plan for delivering and financing the system of services, to conform terminology; amending s. 394.875, F.S.; exempting the provision of certain programs and services from the requirement that they be provided by a licensed crisis-stabilization unit or residential treatment facility; amending s. 394.876, F.S.; revising requirements concerning the content of applications for license under ch. 394, F.S.; repealing s. 11, ch. 85-167, Laws of Florida, which contains provisions providing for the termination of s. 394.876, F.S., which provisions have been superseded; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **SB 2150** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

Consideration of **Senate Bills 1498, 1912, 2494** and **CS for SB's 2324 and 2030** was deferred.

On motions by Senator Meadows, by two-thirds vote **CS for HB 1165** was withdrawn from the Committees on Criminal Justice; Personnel, Retirement and Collective Bargaining; and Community Affairs.

On motion by Senator Meadows, the rules were waived and—

CS for HB 1165—A bill to be entitled An act relating to the office of sheriff; providing a legislative finding; providing definitions; providing for the appointment or promotion of deputy sheriffs subject to probation; authorizing a sheriff to terminate a deputy sheriff's appointment before completion of probation; requiring sheriffs to establish review boards; providing for membership of the boards; requiring that a deputy sheriff be given notice of any proposed termination; providing for appeal of a proposed termination to the review board; providing procedures for review by the board; providing for continuation of appointment; providing an effective date.

—a companion measure, was substituted for **CS for SB 640** and read the second time by title. On motion by Senator Meadows, by two-thirds vote **CS for HB 1165** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

SB 2494—A bill to be entitled An act relating to the tax on sales, use, and other transactions; providing an exemption from taxes imposed under ch. 212, F.S., for charges for participating in fishing tournaments held before a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **SB 2494** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Johnson, by two-thirds vote **HB 2229** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Johnson—

HB 2229—A bill to be entitled An act relating to the college reach-out program; amending s. 240.61, F.S.; prescribing student eligibility criteria; providing for definitions; revising requirements for proposal preference; requiring proposals to contain an evaluation component; specifying data required to evaluate program effectiveness; prescribing a funding methodology; providing for a college reach-out advisory council and specifying terms; revising reporting requirements; requiring the Postsecondary Education Planning Commission to report on program effectiveness; providing for allocation of funds; saving s. 240.61, F.S., from repeal; providing for future review and repeal; repealing s. 240.62, F.S., which requires an annual report on the cohort of college reach-out participants; providing an effective date.

—a companion measure, was substituted for **SB 1498** and read the second time by title. On motion by Senator Johnson, by two-thirds vote **HB 2229** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SB 1912—A bill to be entitled An act relating to educational capital outlay projects; amending s. 235.435, F.S.; authorizing the Board of Regents to use funds from the Public Education Capital Outlay and Debt Service Trust Fund for replacement or construction of certain minor facilities; providing conditions; providing an effective date.

—was read the second time by title.

Senator Jennings moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, line 21, strike "or construction"

And the title is amended as follows:

In title, on page 1, lines 6 and 7, strike "or construction"

On motion by Senator Jennings, by two-thirds vote **SB 1912** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Scott, the rules were waived and by two-thirds vote—

HB 2817—A bill to be entitled An act relating to drycleaning contamination cleanup; amending s. 287.0595, F.S.; correcting references; amending s. 376.30, F.S.; providing legislative intent with respect to certain restoration or replacement of potable waters; amending s. 376.301, F.S.; providing definitions relating to drycleaning facilities, wholesale suppliers, and solvents; amending s. 376.302, F.S., relating to prohibitions and penalties; amending s. 376.303, F.S.; directing the Department of Environmental Protection to establish a registration program for drycleaning facilities and wholesale suppliers; directing the department to provide registration information to the Department of Revenue; specifying annual registration fees; creating s. 376.3078, F.S.; providing for deposit of specified funds into the Water Quality Assurance Trust Fund to be used for drycleaning facility or wholesale supply site restoration; providing legislative findings; providing sources of funds; specifying use of funds, to include investigation, rehabilitation, and monitoring of sites contaminated with drycleaning solvents; providing liability for rehabilitation, under specified circumstances; providing exemptions; authorizing the department to enter into certain contracts; providing for prioritization of sites and rehabilitation criteria; providing for funding; directing the department to pursue recovery or reimbursement of rehabilitation expenditures; creating s. 376.3079, F.S.; providing for third-party liability insurance coverage for certain owners of drycleaning facilities and wholesale suppliers; providing for eligibility; amending s. 376.308, F.S.; conforming provisions relating to liabilities and defenses of facilities; amending s. 376.311, F.S.; conforming penalty provisions; amending s. 376.313, F.S.; conforming provisions relating to nonexclusiveness of remedies and individual cause of action for damages; specifying conditions for certain civil actions against an owner or operator of a drycleaning facility or wholesale supplier; creating s. 376.70, F.S.; providing an annual tax on the gross receipts of drycleaning facilities; creating s. 376.75, F.S.; providing a tax on the production or importation of perchloroethylene; requiring registration; providing penalties; providing for deposit and use of funds; providing for administration, collection, and enforcement of taxes by the Department of Revenue; providing for emergency rules; amending s. 403.725, F.S., providing for deposit of taxes and fees into the Hazardous Waste Management Trust Fund; providing appropriations and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 2498** and by two-thirds vote read the second time by title. On motion by Senator Scott, by two-thirds vote **HB 2817** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Forman, the rules were waived and by two-thirds vote—

CS for HB 2375—A bill to be entitled An act relating to communicable disease control; amending s. 232.032, F.S.; requiring a review and report concerning the incidence of tuberculosis in school-aged children; requiring children in nonpublic preschools to present proof of immunization; providing for permanent and temporary medical exemptions; providing for the electronic transfer of immunization certification; correcting inaccurate references to county public health units and the State Health Officer; amending s. 392.51, F.S.; providing legislative findings with respect to the control of tuberculosis in the state; amending s. 392.52, F.S.; providing definitions; amending s. 392.53, F.S.; revising reporting requirements for persons who diagnose or treat tuberculosis patients; amending s. 392.54, F.S.; providing requirements with respect to the department's investigation of the source and spread of tuberculosis; requiring that treatment for tuberculosis be treatment to cure; amending s. 392.55, F.S.; revising requirements for examinations and treatment; authorizing the use of directly observed therapy; providing for an expedited hearing on a warrant for a person to be apprehended or examined; authorizing a waiver of the court appearance at such hearing; authorizing that such appearance may be made by television monitor; amending s.

392.56, F.S.; providing for hospitalization or residential isolation for a person who has active tuberculosis; providing for an expedited hearing on an order that a person be hospitalized or isolated; authorizing a waiver of the court appearance at such hearing; authorizing that such appearance may be made by television monitor; requiring a hearing on the necessity for continued hospitalization or treatment; requiring the department to notify certain facilities of a court order to hospitalize a person who has active tuberculosis; creating s. 392.565, F.S.; authorizing a physician to request that the State Health Officer order a patient to be held pending a hearing for involuntary examination or treatment; amending s. 392.57, F.S.; authorizing the department to request, and a court to issue, an emergency hold order for a person who has active tuberculosis; amending s. 392.59, F.S.; requiring the department to develop and furnish additional forms to the court; amending s. 392.60, F.S.; revising circumstances under which a person may appeal an order of involuntary examination or hospitalization or an order of emergency hold; amending s. 392.61, F.S.; requiring the department to develop treatment plans for persons who have active tuberculosis as part of the department's community tuberculosis control program; requiring the department to develop a methodology for distributing funds appropriated for tuberculosis control; amending ss. 392.62 and 392.63, F.S., relating to hospitalization and placement programs and temporary leave; conforming provisions to changes made by the act; amending s. 392.64, F.S.; providing additional requirements for the department in developing treatment plans for persons who have active tuberculosis; creating s. 392.655, F.S.; authorizing the department and its agents to enter certain detention facilities for purposes of interviewing, examining, and treating any prisoner for tuberculosis; requiring detention facilities to cooperate with the department and provide space for examination and treatment; amending s. 392.67, F.S.; providing additional penalties; providing requirements for the department in determining certain fines; providing an effective date.

—a companion measure, was substituted for **SB 308** and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 2375** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

Consideration of **SB 2636**, **CS for SB 3056** and **CS for SB 1478** was deferred.

CS for CS for SB 2420—A bill to be entitled An act relating to nitrates; amending s. 576.011, F.S.; providing a definition of the term "best-management practices"; creating s. 576.045, F.S.; providing intent relating to nitrate contamination; providing for fees and deposit thereof; providing for use of funds; providing for waiver of liability; providing for compliance with state nitrate ground water quality standards; providing for rules; requiring a report; providing authority of the Department of Environmental Protection; requiring the department to adopt best-management practices and grant liability waiver for certain activities; providing for expiration; amending s. 373.309, F.S.; providing for rules relating to procedures for implementing well-location, construction, testing, permitting, and clearance requirements; providing an effective date.

—was read the second time by title.

Senator Dantzer moved the following amendments which were adopted:

Amendment 1—On page 4, strike all of lines 25-28 and insert:

(4) **WAIVER OF LIABILITY**.—Notwithstanding any provision of law, the Department of Environmental Protection is not authorized to institute proceedings against any person under the provisions of s. 376.307(5) to recover any costs or damages associated with nitrate contamination of ground water, or the

Amendment 2—On page 7, strike all of lines 22-29 and insert:

(c) The Department of Environmental Protection may adopt rules to establish criteria for dairy farms which provide reasonable assurance that state nitrate ground water quality standards will not be violated and which, provided such criteria are met, shall prohibit the Department of Environmental Protection from instituting proceedings against any dairy farmer under the provisions of s. 376.307(5) and shall provide a presumption of compliance with state nitrate ground water quality standards.

Amendment 3 (with Title Amendment)—On page 10, between lines 26 and 27, insert:

Section 4. There is hereby appropriated the sum of \$930,000 for fiscal year 1994-1995 from the General Inspection Trust Fund to the Department of Agriculture and Consumer Services to implement the provisions of this act.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 20, after the semicolon (;) insert: providing an appropriation;

Senator Foley moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 1, between lines 23 and 24, insert:

Section 1. Present subsections (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), and (23) of section 376.301, Florida Statutes, are redesignated as subsections (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), and (24), respectively, and a new subsection (4) is added to that subsection to read:

376.301 Definitions of terms used in ss. 376.30-376.319.—When used in ss. 376.30-376.319, unless the context clearly requires otherwise, the term:

(4) "Cattle-dipping vat" means a structure, an excavation, or other facility or the site where the structure, the excavation, or other facility once existed, for the purpose of treating cattle or other livestock with a chemical solution pursuant to a local, state, or federal governmental program for the eradication of the cattle fever tick (*Boophilus annulatus* and *B. microplus*).

Section 2. Section 376.306, Florida Statutes, is created to read:

376.306 Cattle-dipping vats; legislative findings; liability.—

(1) The Legislature finds that:

(a) Approximately 3,500 cattle-dipping vats were constructed in the state as a result of local, state, and federal programs, conducted from 1906 to 1961, to eradicate the cattle fever tick;

(b) Most cattle-dipping vats were constructed and operated under governmental supervision, and the vats have been abandoned and disused for over 50 years;

(c) Numerous cattle-dipping vats are located on state-owned lands;

(d) The locations of the majority of the cattle-dipping vats remain unknown;

(e) Owners of property who have cattle-dipping vats on their property should not be liable to the Federal Government for any costs, damages, or penalties resulting from participation in the cattle fever tick eradication program and are not liable to the state for any costs, damages, or penalties resulting from participation in the cattle fever tick eradication program; and

(f) Participation in the cattle fever tick eradication program was mandated by state law, and non-participating cattle owners were subject to civil and criminal penalties.

(2) Any owner of property upon which a cattle-dipping vat was constructed is not liable to the state under any state law, or to any other person seeking to enforce state law, for any costs, damages, or penalties associated with the discharge, evaluation, contamination assessment, or remediation of any substances that were used in the vat for the eradication of the cattle fever tick.

(3) The department shall cease all existing enforcement actions relating to contamination from cattle-dipping vats. Property owners who are subject to an existing enforcement action of, or subject to investigation by, the department may document any costs they have incurred as a result of the cattle-dipping vats and submit those costs to the department before December 31, 1994. By July 1, 1995, the department shall report verified costs incurred by property owners who are subject to an existing enforcement action or investigation to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike line 2 and insert: An act relating to soil and water contamination; amending s. 376.301, F.S.; providing a definition of the term "cattle-dipping vat" for purposes of ss. 376.30-36.319, F.S., relating to pollution of surface and ground waters; creating s. 376.306, F.S.; providing legislative findings; providing release from liability for certain property owners; providing for abatement of actions by the Department of Environmental Protection against certain property owners; amending s.

On motion by Senator Dantzler, by two-thirds vote **CS for CS for SB 2420** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Silver, by two-thirds vote **CS for HB 665** was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; Community Affairs; and Appropriations.

On motion by Senator Silver—

CS for HB 665—A bill to be entitled An act relating to public employee death benefits; amending s. 110.123, F.S.; requiring the state to pay health insurance coverage for the spouse and dependent children of law enforcement or correctional officers who are killed in the line of duty, under certain circumstances, for certain time periods; amending s. 112.19, F.S.; requiring political subdivisions of the state that employ law enforcement or correctional officers who are killed in the line of duty, under certain circumstances, to pay health insurance coverage for the officer's spouse and dependent children for certain time periods; amending s. 112.191, F.S.; requiring political subdivisions of the state that employ firefighters who are killed in the line of duty, under certain circumstances, to pay health insurance coverage for the firefighter's spouse and dependent children for certain time periods; amending s. 175.181, F.S.; revising beneficiary provisions by eliminating remarriage penalties and reinstating death benefits to surviving spouses of firefighters under certain circumstances; amending s. 185.162, F.S.; revising beneficiary provisions by eliminating remarriage penalties and reinstating death benefits to surviving spouses of police officers under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 1478** and read the second time by title.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 2, strike all of lines 3-5 and insert:

Section 1. Paragraph (e) of subsection (3) and paragraph (e) of subsection (4) of section 110.123, Florida Statutes, are amended to read:

110.123 State group insurance program.—

(3) STATE GROUP INSURANCE PROGRAM.—

(e)1. A person eligible to participate in the state group health insurance plan may be authorized by rules approved by the Agency for Health Care Administration and adopted by the department, in lieu of participating in the state group health insurance plan, to exercise an option to elect membership in a health maintenance organization plan which is under contract with the state in accordance with criteria established by this section and by said rules. The offer of optional membership in a health maintenance organization plan permitted by this paragraph may be limited or conditioned by rule as may be necessary to meet the requirements of state and federal laws.

2. Subject to the approval of and supervision by the Agency for Health Care Administration, the department shall contract with health maintenance organizations to participate in the state group insurance program through a request for proposal based upon a premium and a minimum benefit package as follows:

a. A minimum benefit package to be provided by a participating HMO shall include: physician services; inpatient and outpatient hospital services; emergency medical services, including out-of-area emergency

coverage; diagnostic laboratory and diagnostic and therapeutic radiologic services; mental health, alcohol, and chemical dependency treatment services meeting the minimum requirements of state and federal law; skilled nursing facilities and services; prescription drugs; and other benefits as may be required by the department. Additional services may be provided subject to the contract between the department and the HMO.

b. A uniform schedule for deductibles and copayments may be established for all participating HMOs.

c. Based upon the minimum benefit package and copayments and deductibles contained in sub-subparagraphs a. and b., the Agency for Health Care Administration shall issue a request for proposal for all HMOs which are interested in participating in the state group insurance program. Upon receipt of all proposals, the Agency for Health Care Administration may, as it deems appropriate, enter into contract negotiations with HMOs submitting bids. As part of the request for proposal process, the Agency for Health Care Administration may require detailed financial data from each HMO which participates in the bidding process for the purpose of determining the financial stability of the HMO.

d. In determining which HMOs to contract with, the Agency for Health Care Administration shall, at a minimum, consider: each proposed contractor's previous experience and expertise in providing prepaid health benefits; each proposed contractor's historical experience in enrolling and providing health care services to participants in the state group insurance program; the cost of the premiums; the plan's ability to adequately provide service coverage and administrative support services as determined by the Agency for Health Care Administration; plan benefits in addition to the minimum benefit package; accessibility to providers; and the financial solvency of the plan. Nothing shall preclude the Agency for Health Care Administration from negotiating regional or statewide contracts with health maintenance organization plans when this is cost-effective and when the Agency for Health Care Administration determines the plan has the best overall benefit package for the service areas involved. However, no HMO shall be eligible for a contract if the HMO's retiree Medicare premium exceeds the retiree rate as set by the department for the state group health insurance plan.

e. The department, subject to the review and approval of the Agency for Health Care Administration, may limit the number of HMOs that it contracts with in each service area based on the nature of the bids the Agency for Health Care Administration receives, the number of state employees in the service area, and any unique geographical characteristics of the service area. The department, subject to the review and approval of the Agency for Health Care Administration, shall establish by rule service areas throughout the state.

f. All persons participating in the state group insurance program who are required to contribute towards a total state group health premium shall be subject to the same dollar contribution regardless of whether the enrollee enrolls in the state group health insurance plan or in an HMO plan.

3. The Agency for Health Care Administration is authorized to negotiate and the department is authorized to contract with specialty psychiatric hospitals for mental health benefits, on a regional basis, for alcohol, drug abuse, and mental and nervous disorders. The department may establish, subject to the approval of the Agency for Health Care Administration and the Legislature pursuant to subsection (5), any such regional plan upon completion of an actuarial study to determine any impact on plan benefits and premiums.

4. In addition to contracting pursuant to subparagraph 2., the department shall enter into contract with any HMO to participate in the state group insurance program which:

a. Serves greater than 5,000 recipients on a prepaid basis under the Medicaid program;

b. Does not currently meet the 25 percent non-Medicare/non-Medicaid enrollment composition requirement established by the Department of Health and Human Services excluding participants enrolled in the state group insurance program;

c. Meets the minimum benefit package and copayments and deductibles contained in sub-subparagraphs 2.a. and b.;

d. Is willing to participate in the state group insurance program at a cost of premiums that is not greater than 95 percent of the cost of HMO premiums accepted by the department in each service area; and

- e. Meets the minimum surplus requirements of s. 641.225.

The department is authorized to contract with HMOs that meet the requirements of sub-subparagraphs a. through d. prior to the open enrollment period for state employees. The department is not required to renew the contract with the HMOs as set forth in this paragraph more than twice. Thereafter, the HMOs shall be eligible to participate in the state group insurance program only through the request for proposal process described in subparagraph 2.

5. All enrollees in the state group health insurance plan or any health maintenance organization plan shall have the option of changing to any other health plan which is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. Any HMO participating in the state group insurance program shall, upon the request of the Agency for Health Care Administration, submit to the Agency for Health Care Administration standardized data for the purpose of comparison of the appropriateness, quality, and efficiency of care provided by the HMO. Such standardized data shall include: membership profiles; inpatient and outpatient utilization by age and sex, type of service, provider type, and facility; and emergency care experience. Requirements and timetables for submission of such standardized data and such other data as the Agency for Health Care Administration deems necessary to evaluate the performance of participating HMOs shall be promulgated by rule.

7. The department shall, after consultation with the Agency for Health Care Administration and representatives from each of the unions representing state and university employees, establish a comprehensive package of insurance benefits including, but not limited to, supplemental health and life coverage, dental care, and vision care to allow state employees the option to choose the benefit plans which best suit their individual needs.

a. Based upon a desired benefit package, the Agency for Health Care Administration shall issue a request for proposal for health insurance providers interested in participating in the state group insurance program, and the department shall issue a request for proposal for insurance providers interested in participating in the non-health-related components of the state group insurance program. Upon receipt of all proposals, the department or the Agency for Health Care Administration may, as either deems appropriate, enter into contract negotiations with insurance providers submitting bids or negotiate a specially designed benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1994 1991, which qualify for pretax benefit treatment pursuant to s. 125 of the Internal Revenue Code of 1986, with 2,000 5,500 or more state employees currently enrolled may be included by the department in the supplemental insurance benefit plan established by the department or the Agency for Health Care Administration without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

And the title is amended as follows:

In title, on page 1, line 3, after the second semicolon (;) insert: revising the state group insurance program to provide that certain insurance providers that offer supplemental coverage may be included by the Department of Management Services in the supplemental insurance benefit plan;

On motion by Senator Silver, by two-thirds vote **CS for HB 665** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Forman, by two-thirds vote **CS for HB 1161** was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Forman, the rules were waived and—

CS for HB 1161—A bill to be entitled An act relating to transportation; amending s. 320.03, F.S.; increasing a fee charged for initial and renewal registration of certain automobiles and trucks, for deposit into the Transportation Disadvantaged Trust Fund; specifying individuals with priority transportation needs; amending s. 320.131, F.S.; increasing a fee charged for temporary tags; providing for distribution of new proceeds to the Impaired Drivers and Speeders Trust Fund; providing an effective date.

—a companion measure, was substituted for **SB 406** and read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 1161** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—4

SB 1954—A bill to be entitled An act relating to dredge-and-fill jurisdiction over certain mining operations; amending s. 403.939, F.S., relating to temporary exceptions from certain dredge-and-fill regulation for specified sand, limerock, and limestone mining activities; clarifying citations to applicable regulations and clarifying references to the regulatory agency; extending these exceptions for an additional 5-year period and to include certain contiguous lands; repealing s. 46, ch. 93-213, Laws of Florida, which provides for the repeal, effective October 1, 1994, of s. 403.939, as renumbered from s. 403.913(8), F.S.; repealing s. 373.414(16), F.S., which provides for review of the excepted mining activities under certain rules unless an election is made to continue under the rules presently applicable; providing an effective date.

—was read the second time by title.

Senator Diaz-Balart moved the following amendment:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Subsection (16) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(16) Until October 1, 1997, regulation under rules adopted pursuant to this part of any sand, limerock, or limestone mining activity which is located in Township 52 South, Range 39 East, sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36; in Township 52 South, Range 40 East, sections 6, 7, 8, 18, and 19; in Township 53 South, Range 39 East, sections 1, 2, 13, 21, 22, 23, 24, 25, 26, 33, 34, 35, and 36, and in Township 54 South, Range 38 East, sections 24, and 25, and 36, shall not include the rules adopted pursuant to subsection (9). In addition, until October 1, 1997, such activities shall continue to be regulated under the rules adopted pursuant to ss. 403.91-403.929 (1984 Supp.), as amended, as such rules existed prior to the effective date of the rules adopted pursuant to subsection (9) and such dredge and fill jurisdiction shall be that which existed prior to January 24, 1984. In addition, any such sand, limerock, or limestone mining activity shall be approved by Dade County and the U.S. Army Corps of Engineers. This section shall only apply to mining activities which are continuous and carried out on land contiguous to mining operations that were in existence on or before October 1, 1984. 1994, permit applications for sand, limerock, and limestone mining activity which had qualified under the terms of s. 403.939 shall be reviewed under the rules adopted pursuant to this part and part VIII of chapter 403 in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules of this part as amended in accordance with subsection (9). Unless the applicant makes such an election, in reviewing an application under part VIII of chapter 403, the reviewing agency shall utilize the dredge and fill jurisdiction of the department as it existed prior to January 24, 1984.

Section 2. Section 21 of chapter 92-132, Laws of Florida, is amended to read:

Section 21. (1) The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.

(2) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west, and that the area generally bounded by the Florida Turnpike to the east, the Dade-Broward County line to the north, Krome Avenue to the west and Tamiami Trail to the south is one of the few remaining high-quality deposits in the state available for recovery of limestone, and that the Dade County 1985 Northwest Wellfield Protection Plan encourages limestone quarrying activity in lieu of urban development in this area.

(3) The Northwest Dade County Freshwater Lake Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Northwest Dade County Freshwater Lake Plan. The committee shall be comprised of 13 members and two *ex officio* members, consisting of the chairman of the governing board or his designee of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the Office of the Governor, the secretary or the secretary's designee of the Department of Environmental Protection Regulation, the director of the Division of Resource Management or its successor division within the Department of Environmental Protection Natural Resources, the secretary or the secretary's designee of the Department of Commerce, the secretary or the secretary's designee of the Department of Community Affairs, the director of the Department of Environmental Resource Management of Dade County, the Director of Planning in Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. *The two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among Representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in paragraph (2) of this section, and one member of the Florida Senate to be selected by the President of the Senate from among Senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in paragraph (2) of this section.*

(4) The committee shall develop a plan which (1) enhances the water supply for Dade County and the Everglades, (2) maximizes efficient recovery of limestone while promoting the social and economic welfare of the community and protecting the environment, and (3) educates various groups and the general public of the benefits of the plan.

(5) *The committee shall remain in effect until January 1, 1999, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31, 1994, and by December 31, 1995. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a final report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 1996. This report shall include the final reports on all studies, the final recommendations of the committee, and other relevant information, and the committee's recommendation for legislative and regulatory revisions. The committee shall report to the governing board of the South Florida Water Management District four times per year. The plan shall be presented to the board for public hearing by December 31, 1993. The plan shall include the committee's recommendations for legislative and regulatory revisions. By December 31, 1992, the committee shall present an interim report of its activities and findings to the Legislature. The report shall contain a recommendation on whether to extend the exemption under s. 403.913(8), Florida Statutes, setting out the environmental, economic, and other considerations on which the recommendation is based.*

(6) After completion of the plan, the committee shall continue to assist in its implementation and shall report to the governing board of the South Florida Water Management District semiannually.

(7) In carrying out its work, the committee shall solicit comments from scientific and economic advisors and governmental, public, and private interests. The committee shall provide meeting notes, reports, and the strategy document in a timely manner for public comment.

(8) The committee is authorized to seek from the agencies or entities represented on the committee any grants or funds necessary to enable it to carry out its charge.

(9) *The study area shall be extended to include land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, and to section 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, Township 54 South, Range 38 East, all of which are located outside of Metro-Dade County's Current 2010 Urban Development Boundary Line. No additional biological studies will be required; however, computer hydrologic modeling, land use, and water quality studies may be necessary in the extended study area.*

(10) *The Legislature directs the committee and the Department of Environmental Protection to work with the United States Environmental Protection Agency and the Miami Dade Water and Sewer Authority Department to ensure that the Northwest Wellfield will retain its groundwater source classification for drinking water treatment standards. This determination shall be made utilizing hydrologic modeling and water quality studies. The committee shall seek funding for this study.*

(11) *The Legislature directs the South Florida Water Management District to oversee or carry out studies to determine evapotranspiration rates for melaleuca forest and prairie in the lakebelt area. Upon completion of the evapotranspiration study, the South Florida Water Management District shall incorporate study results as part of its overall water supply planning process. The committee shall seek funding for this study.*

(12) *The Legislature directs the Department of Commerce to oversee or carry out studies of the economic impact associated with the implementation of the lakebelt plan or any of its alternatives.*

(13)(9) This section is repealed January 1, 1999 ~~1996~~.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to certain sand, limrock, and limestone mining activities; amending s. 373.414, F.S.; exempting certain permitted activities from the rule; amending s. 21 of ch. 92-132, Laws of Florida; continuing the Northwest Dade County Freshwater Lake Plan Implementation Committee; providing additional duties; extending the study area; directing the South Florida Water Management District and the Department of Commerce to carry out certain studies; providing a repeal date; providing an effective date.

Senator Childers offered the following amendment to **Amendment 1** which was moved by Senator Diaz-Balart:

Amendment 1A—On page 1, strike all of lines 12-15 and insert:

Section 1. Subsections (13) and (16) of section 373.414, Florida Statutes, are amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(13) Any declaratory statement issued by the department under s. 403.914 (1984 Supp.), as amended, or pursuant to rules adopted thereunder, or by a water management district under s. 373.421, in response to a petition filed on or before June 1, 1994, prior to the effective date of the rules adopted under subsection (9) shall continue to be valid for the duration of such declaratory statement. Any such petition pending on June 1, 1994, shall be exempt from the methodology ratified in s. 373.4211, but the rules of the department or the relevant water management district, as applicable, in effect prior to the effective date of s. 373.4211, shall apply. In the event that a jurisdictional declaratory statement pursuant to the vegetative index in effect prior to the effective date of chapter 84-79, Laws of Florida, has been obtained and is valid prior to the effective date of the rules adopted under subsection (9) or July 1, 1994, whichever is later, and the affected lands are part of a project for which a master development order has been issued pursuant to s. 380.06(21), the declaratory statement shall remain valid for the duration

of the buildout period of the project. Any jurisdictional determination validated by the department pursuant to Rule 17-301.400(8), Florida Administrative Code, as it existed in Rule 17-4.022, Florida Administrative Code, on April 1, 1985, shall remain in effect for a period of 5 years following the effective date of this act if proof of such validation is submitted to the department prior to January 1, 1995 ~~within 6 months after the effective date of this act. In the event that a jurisdictional determination has been revalidated by the department pursuant to this subsection and the affected lands are part of a project for which a development order has been issued pursuant to s. 380.06(15), a final development order to which s. 163.3167(8) applies has been issued, or a vested rights determination has been issued pursuant to s. 380.06(20), the jurisdictional determination shall remain valid until the completion of the project, provided proof of such validation and documentation establishing that the project meets the requirements of this sentence are submitted to the department prior to January 1, 1995.~~ Activities proposed within the boundaries of a valid declaratory statement or revalidated jurisdictional determination prior to its expiration shall continue thereafter to be reviewed under the rules adopted pursuant to ss. 403.91-403.929 (1984 Supp.), as amended, and this part, ~~and part VIII of chapter 403~~ in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9).

On motion by Senator Diaz-Balart, further consideration of **SB 1954** with pending **Amendment 1A** was deferred.

CS for CS for SB 1194—A bill to be entitled An act relating to creation of the Florida Agriculture Center and Horse Park Authority; creating s. 570.951, F.S.; providing legislative findings; creating s. 570.952, F.S., establishing the Florida Agriculture Center and Horse Park Authority; providing for membership, powers and duties, meetings and procedures, and official action; requiring annual reporting; providing an effective date.

—was read the second time by title. On motion by Senator Foley, by two-thirds vote **CS for CS for SB 1194** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 2752—A bill to be entitled An act relating to the confidentiality of certain records of the Florida Agriculture Center and Horse Park Authority; providing that under certain conditions the identity of donors to the authority is confidential and exempt from disclosure; providing legislative findings of necessity; providing a conditional effective date.

—was read the second time by title. On motion by Senator Foley, by two-thirds vote **CS for SB 2752** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Senate resumed consideration of—

SB 1954—A bill to be entitled An act relating to dredge-and-fill jurisdiction over certain mining operations; amending s. 403.939, F.S., relating to temporary exceptions from certain dredge-and-fill regulation for specified sand, limerock, and limestone mining activities; clarifying citations to applicable regulations and clarifying references to the regulatory agency; extending these exceptions for an additional 5-year period and to include certain contiguous lands; repealing s. 46, ch. 93-213, Laws of Florida, which provides for the repeal, effective October 1, 1994, of s. 403.939, as renumbered from s. 403.913(8), F.S.; repealing s. 373.414(16), F.S., which provides for review of the excepted mining activities under certain rules unless an election is made to continue under the rules presently applicable; providing an effective date.

—which had been previously considered this day. Pending **Amendment 1A** was adopted. **Amendment 1** as amended was adopted.

On motion by Senator Diaz-Balart, by two-thirds vote **SB 1954** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

THE PRESIDENT PRESIDING

SB 408—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.04, F.S.; providing that no tax on admissions not actually collected before the effective date of the act is due from any political subdivision of the state; providing an effective date.

—was read the second time by title.

Senator Foley moved the following amendment which was adopted.

Amendment 1—On page 1, line 7, after "state" insert: or from any chambers of commerce

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—On page 4, between lines 5 and 6, insert:

Section 2. There is exempt from the tax on sales, use, and other transactions any charges for participating in a fishing tournament held before December 16, 1991, the effective date of Rule 12A-1.005(4)(j), Florida Administrative Code, which charges were taxable under section 212.04, Florida Statutes, and on which the tax was neither collected from the participant nor accrued and paid to the state by the sponsoring tournament.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 7, after the semicolon (;) insert: providing an exemption from taxes imposed under ch. 212, F.S., for charges for participating in fishing tournaments held before a specified date;

On motion by Senator Boczar, by two-thirds vote **SB 408** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Dudley, by two-thirds vote **CS for HB 443** was withdrawn from the Committee on Commerce.

On motion by Senator Dudley—

CS for HB 443—A bill to be entitled An act relating to corporations not for profit; amending s. 617.0831, F.S.; excluding directors of homeowners' associations from provisions providing for indemnification and liability of certain corporate personnel; amending s. 617.1908, F.S.; providing an exception to the nonapplication of the Florida Business Corporation Act to corporations not for profit; providing an effective date.

—a companion measure, was substituted for **CS for SB 150** and read the second time by title. On motion by Senator Dudley, by two-thirds vote **CS for HB 443** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

Consideration of **CS for SB 2156** was deferred.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for HB 547** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motion by Senator Kirkpatrick, the rules were waived and—

CS for HB 547—A bill to be entitled An act relating to trust funds; amending ss. 215.20, 215.22, and 215.24, F.S.; providing for the exemption of certain income from federal matching funds or contributions or private grants from the service charges deducted from trust funds pursuant to s. 215.20, F.S., for deposit in the General Revenue Fund under certain cir-

cumstances; exempting the Camp Blanding Management Trust Fund from the 7-percent service charge imposed pursuant to said section; dismissing previously assessed charges and late penalties and absolving the Department of Military Affairs of obligations incurred with respect thereto; providing an effective date.

—a companion measure, was substituted for **SB 398** and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 547** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

CS for SB 1474—A bill to be entitled An act relating to horticulture products; amending s. 810.011, F.S.; defining the term “commercial horticulture property” for purposes of ch. 810, F.S.; relating to trespass; amending s. 810.09, F.S.; providing an enhanced penalty for the offense of trespass on commercial horticulture property that is properly posted; amending s. 921.0012, F.S., relating to the offense severity ranking chart; revising the level 2 offense level to include trespass on posted commercial horticulture property; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for SB 1474** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—1

CS for SB 2156—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; establishing the Florida Turnpike as the eighth district of the Department of Transportation; amending s. 253.034, F.S.; providing for an easement to be granted in perpetuity for certain transportation facilities; amending s. 311.07, F.S.; eliminating the designated program account of the Florida Seaport Transportation and Economic Development Program; authorizing funds to be expended for the acquisition of economic benefit and trade data; amending s. 311.09, F.S.; adding members to the Florida Seaport Transportation and Economic Development Council; eliminating the references to the designated program account of the Florida Seaport Transportation and Economic Development Program; updating a reference to the name of the program; amending s. 316.545, F.S.; providing penalties for operating a commercial motor vehicle without a valid registration; providing penalties for operating a commercial motor vehicle with an excess axle weight or an excess gross vehicle weight; providing procedures for enforcing such penalties; amending s. 316.550, F.S.; providing for a truck crane operated under a special permit to be taxed under s. 320.08(5)(b), F.S.; amending s. 330.30, F.S.; extending the expiration date of licenses for certain private and limited airports; amending s. 332.004, F.S.; revising the definition of “airport or aviation development project”; amending s. 332.006, F.S.; revising the state aviation system plan specifications; amending s. 332.007, F.S.; prohibiting retroactive reimbursement by the Department of Transportation for certain airport land acquisition before the execution of certain documents; amending s. 335.093, F.S., relating to scenic highway designation; providing that such a designation is not intended to limit specified uses of adjacent areas; amending s. 336.025, F.S.; requiring periodic review of any interlocal agreement which provides the method of distribution of motor fuel and special fuel taxes; amending s. 337.015, F.S.; providing flexible start and finish times for construction projects; amending s. 337.11, F.S.; authorizing the secretary to waive competitive bidding provisions to issue limited, interim maintenance contracts; amending s. 337.16, F.S.; requiring the department to notify a contractor that he is disqualified from bidding on other state contracts until he complies with an existing contract; amending s. 337.18, F.S.; revising the provisions that require the department to assess damages each day against a contractor who fails to complete a state or federally funded project within the required time period; amending s. 337.25, F.S.; providing for federally owned properties to be eligible for participation in the functionally equivalent replacement facility program; authorizing the department to sell certain surplus property valued at less than \$10,000 by sealed competitive bid to the highest bidder without an appraisal; deleting the provision for payment of appraisal costs by potential purchasers; permitting the department to negotiate a sale of surplus property with an owner of abutting property if the department provides notice to all owners of abutting property; amending s. 337.276, F.S.; authorizing the issuance of bonds for right-of-way acquisition for revenue-producing facilities; providing for reimbursement of the Right-of-Way Acquisition and Bridge Construction

Trust Fund; amending s. 337.407, F.S.; authorizing a county to remove signs from the right-of-way of the county road system; amending s. 338.065, F.S.; deleting a reference to certain types of signs for which the Department of Transportation may charge a placement fee; amending s. 338.155, F.S.; exempting drivers of motor vehicles of the Florida National Guard and exempting sworn law enforcement officers who are driving marked motor vehicles and on official business from paying tolls at toll facilities; authorizing the department to suspend the collection of tolls during emergency evacuations; amending s. 338.223, F.S.; providing that, under certain circumstances, funds allocated to turnpike projects do not have to be reimbursed to the State Transportation Trust Fund; amending s. 338.2275, F.S.; renaming the North Suncoast Corridor Project and describing the project; deleting the maximum expenditures allocated for approved turnpike projects; amending s. 338.234, F.S.; authorizing concessions, services, and public events at turnpike plazas; amending s. 338.235, F.S.; authorizing the department to contract for concessions or services on the turnpike; repealing s. 338.244, F.S., which prohibits certain expenditures to advertise the turnpike system; amending s. 338.251, F.S.; deleting the requirement that local government repayment to the Toll Facilities Revolving Trust Fund include interest; amending s. 339.145, F.S.; deleting a budget appropriation category for the services provided by the Burns Data Center; amending s. 341.052, F.S.; revising a reference to a report to the Urban Mass Transportation Administration; amending s. 343.72, F.S.; redefining the term “commuter rail facilities” for the purposes of the Tampa Bay Commuter Rail Authority Act; amending s. 343.73, F.S.; adding members to the governing board of the authority; amending s. 343.74, F.S.; expanding the area in which the Tampa Bay Commuter Rail Authority may operate to include Hernando County and Polk County; amending s. 348.7544, F.S.; providing authority for the Orlando-Orange County Expressway Authority to finance, operate, and maintain the Northwest Beltway Part A; creating s. 348.7545, F.S.; authorizing the Orlando-Orange County Expressway Authority to construct, finance, operate, and maintain the Western Beltway Part C; amending s. 479.01, F.S.; providing definitions; amending s. 479.03, F.S.; authorizing the department to cross private property in order to remove illegal signs under specified conditions; amending s. 479.04, F.S.; requiring a person engaged in the business of outdoor advertising to obtain a license and deleting an exception; amending s. 479.07, F.S.; amending deadlines relating to sign permits; requiring the permittee to provide the department with a written notice of cancellation; imposing penalties upon a permittee for reinstating a permit that was cancelled because of the permittee’s error; amending s. 479.08, F.S.; providing for the date on which a permit revocation ordered by the Department of Transportation is effective; providing for an appeal and a stay of revocation; amending s. 479.107, F.S.; authorizing the department to immediately remove any unauthorized sign on the rights-of-way of certain state or federal highways; amending s. 479.14, F.S.; amending the disposition of fees received under ch. 479, F.S.; amending s. 479.15, F.S.; prohibiting local governments from removing or altering certain signs without first paying just compensation; amending s. 479.24, F.S.; providing for the department to pay just compensation upon removing certain lawful nonconforming signs; amending s. 479.26, F.S.; limiting the specific information panel program to the interstate highway system; amending s. 479.11, F.S.; providing an exemption authorizing certain signs on new highways; amending s. 7 and s. 8 of ch. 93-164, Laws of Florida; requiring the department to make recommendations to the Florida Transportation Commission; changing a repeal date; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment:

Amendment 1 (with Title Amendment)—On page 6, line 20, strike everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (3) and paragraph (a) of subsection (4) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(3)

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;

b. Performing statewide activities which it is more cost-effective to perform in a central location;

c. Assessing and ensuring the accuracy of information within the department's financial management information systems; and

d. Performing other activities of a statewide nature.

2. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

- a. The Office of Administration;
- b. The Office of Policy Planning;
- c. The Office of Design;
- d. The Office of Construction;
- e. The Office of Right-of-Way;
- f. The Office of Toll Operations; and
- g. The Office of Information Systems; and
- ~~h. The Office of Florida Turnpike.~~

3. Other offices may be established in accordance with s. 20.04(6). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

(4)(a) The operations of the department shall be organized into *eight* ~~seven~~ districts, *including a turnpike district*, each headed by a district secretary. The district secretaries shall report to the Assistant Secretary for District Operations. The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, ~~and Hillsborough, and Leon~~ Counties. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts. However, prior to making a decision to centralize or decentralize department operations, the department must first determine if the decision would be cost-effective and in the public's best interest. The department shall periodically evaluate such decisions to ensure that they are appropriate.

Section 2. Paragraph (m) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative

(m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; *regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system*; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

Section 3. Subsection (3) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(3) No management agreement, lease, or other instrument authorizing the use of lands owned by the Board of Trustees of the Internal Improvement Trust Fund shall be executed for a period greater than is necessary to provide for the reasonable use of the land for the existing or planned life cycle or amortization of the improvements, *except that an easement in perpetuity may be granted by the Board of Trustees of the Internal Improvement Trust Fund if the improvement is a transportation facility*. An agency managing or leasing state-owned lands from the Board of Trustees of the Internal Improvement Trust Fund may not sublease such lands without prior review by the division and by the Land Management Advisory Council created in s. 253.022 and approval by the board. The Land Management Advisory Council is not required to review subleases of parcels which are less than 160 acres in size.

Section 4. Subsections (2), (3), (4), and (5) of section 311.07, Florida Statutes, as amended by section 15 of chapter 93-120, Laws of Florida, are amended to read:

311.07 Florida seaport transportation and economic development funding.—

(2) *A minimum of \$8 million shall be allocated each year from designated program account* ~~shall be established within the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program in the amount of \$8 million per year.~~

(3)(a) *Moneys allocated to the program from the State Transportation Trust Fund in the designated program account* shall be used *only* to fund approved projects on a 50-50 matching basis with any of the deep-water ports, as listed in s. 403.021(9)(b), which is governed by a public body or any other deepwater port which is governed by a public body and which complies with the water quality provisions of s. 403.061, the comprehensive master plan requirements of s. 163.3178(2)(k), the local financial management and reporting provisions of part III of chapter 218, and the auditing provisions of s. 11.45(3)(a)4. *Moneys may also be used for the acquisition of economic benefit and trade-data information.*

(b) Projects eligible for funding by ~~grants from the designated program account~~ are limited to the following port facilities or port transportation projects:

1. Transportation facilities within the jurisdiction of the port.
2. The dredging or deepening of channels, turning basins, or harbors.
3. The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
4. The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce.
5. The acquisition of land to be used for port purposes.
6. The acquisition, improvement, enlargement, or extension of existing port facilities.
7. Environmental protection projects *that which* are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; *that which* are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; *that which* are necessary *for or* the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or *that which* result from the funding of eligible projects listed *in this subsection herein*.

8. Transportation facilities as defined in s. 334.03 ~~s. 334.03(27)~~ which are not otherwise part of the Department of Transportation's adopted work program.

(c) To be eligible for consideration by the council pursuant to this section, a project must be consistent with the port comprehensive master plan *that which* is incorporated as part of the approved local government comprehensive plan as required by s. 163.3178(2)(k) or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(4) A port *that is* eligible to receive *for* matching funds from the ~~designated program account~~ may receive *a distribution from the account of* not more than \$7 million from the program during any 1 calendar year and *a distribution of* not more than \$30 million from the program during any 5-calendar-year period.

(5) Any port *that which* receives funding from the ~~designated program account~~ shall institute procedures to ensure that jobs created as a result of the state funding *are* ~~shall be~~ subject to equal opportunity hiring practices in the manner provided in s. 110.112.

Section 5. Subsections (1), (4), and (10) of section 311.09, Florida Statutes, as amended by section 56 of chapter 93-120, Laws of Florida, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or his designee, of each of the ports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, and Pensacola, Key West, and Fernandina, the secretary of the Department of Transportation or his designee as an ex officio nonvoting member, the secretary of the Department of Commerce or his designee as an ex officio nonvoting member, and the secretary of the Department of Community Affairs or his designee as an ex officio nonvoting member.

(4) The council shall adopt rules for evaluating projects which may be funded in accordance with ~~from the designated program account established in s. 311.07.~~ The rules shall provide criteria for evaluating the economic benefit of the project, measured by the potential for the proposed project to increase cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(10) The Department of Transportation shall include in its annual legislative budget request *no less than \$8 million each year to fund the a Florida Seaport Transportation and Economic Development grant Program for expenditure of funds in the designated program account established in s. 311.07.* Such budget *must* shall include funding for projects approved by the council which have been determined by each agency to be consistent and which have been determined by the Department of Commerce to be economically beneficial. The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted as part of the needs and project list prepared pursuant to s. 339.135.

Section 6. Paragraphs (d) and (e) of subsection (2) of section 322.53, Florida Statutes, are amended and a new paragraph (f) is added to said subsection to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

(d) Drivers of recreational vehicles, as defined in s. 320.01; and

(e) Drivers who operate straight trucks, as defined in s. 316.003, that are exclusively transporting their own tangible personal property which is not for sale; and

(f) *An employee of a publicly owned transit system, who is limited to moving buses for maintenance or parking purposes exclusively within the restricted access confines of a transit system's property.*

Section 7. Subsection (8) of section 325.213, Florida Statutes, is amended to read:

325.213 Self-inspectors.—

(8) The holder of a self-inspector license may not inspect any motor vehicle or provide a certificate of inspection to any motor vehicle for which the licensee is not the registered owner or lessee, unless otherwise authorized by the department. *Notwithstanding this subsection, a local government agency as defined in s. 125.011(1), that regulates the operation of motor vehicles including, but not limited to, ambulances, taxis, or paratransit vehicles, may apply to the department for a license as a self-inspector to inspect said vehicles and provide a certificate of inspection as required by this act.*

Section 8. Paragraph (e) of subsection (2) of section 330.30, Florida Statutes, is amended to read:

330.30 Approval of airport sites and licensing of airports; fees.—

(2) LICENSES; REQUIREMENTS, FEES, RENEWAL, REVOCATION.—

(e)1. Each license for a public airport expires ~~will expire no later than 1 year after the effective date of the license, except that the department expiration date of a license may issue a license that expires in be adjusted to provide a maximum license period of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency. The department may issue a license for a private or limited airport for a period not to exceed 5 years. In determining the license period for such airports, the department may consider the~~

number of based aircraft, the number of operations, the airport location relative to adjacent land uses and other airports, and any other factors deemed by the department to be critical to airport operation and safety. If the expiration date is adjusted, The appropriate license fee shall be determined by prorating the annual fee based on the length of the longer adjusted license period. The effective date and expiration date for each license, including a temporary license, must shall be stated on the face of the license. Upon receiving an application for renewal of a license on a form prescribed by the department, making a favorable inspection report indicating compliance with all applicable requirements and conditions, and receiving the appropriate annual license fee, the department shall renew the license, subject to any conditions deemed necessary to protect the public health, safety, or welfare.

2. The department may require site approval for an airport if the license of the airport has not been renewed by the expiration date.

3. If the renewal application and fees have not been received by the department within 15 days after the date of expiration of the license, the department may close the airport.

Section 9. Subsection (4) of section 332.004, Florida Statutes, is amended to read:

332.004 Definitions of terms used in ss. 332.003-332.007.—As used in ss. 332.003-332.007, the term:

(4) "Airport or aviation development project" or "development project" means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at, or in taking off from, a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; *the purchasing of equipment; the acquisition of land, including, but not limited to, the purchase of land for mitigation purposes; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.*

Section 10. Subsection (1) of section 332.006, Florida Statutes, is amended to read:

332.006 Duties and responsibilities of the Department of Transportation.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(1) Provide coordination and assistance for the development of a viable aviation system in this state. *To support the As part of such system, a statewide aviation system plan shall be developed which summarizes 5-year, 10-year, and 20-year identifies airport and aviation needs within the state. The statewide aviation system plan must not preempt local airport master plans adopted in compliance with federal and state requirements shall consist primarily of the airport master plans of local airports and may include plans adopted by local and regional planning agencies. The plan shall separately identify development projects and discretionary capacity improvement projects.*

Section 11. Paragraph (a) of subsection (2) and paragraphs (b) and (c) of subsection (6) of section 332.007, Florida Statutes, are amended to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(2)(a) The Department of Transportation shall prepare and continuously update an aviation and airport work program, based on ~~a collection of the local airport sponsors' proposed projects, which plan shall be included in the work program of the department developed pursuant to s. 339.135 and Any planned department participation shall be in accordance with subsections (6) and (7). The airport work program must plan shall separately identify each development project projects and each discretionary capacity improvement project projects.~~

(6) Subject to the availability of appropriated funds, the department may participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

(b) The department may retroactively reimburse a city, county, or an airport authority up to 50 percent of the nonfederal share for land acquisition if when such land is needed for airport safety, expansion, tall structure control, clear zone protection, or noise impact reduction; however, land purchased before the execution of the required department agreement is not eligible for reimbursement. No land purchased prior to July 1, 1990, is ~~shall be~~ eligible for reimbursement.

(c) ~~If When~~ federal funds are not available, the department is authorized to fund up to 90 percent of master planning and capital projects at any publicly owned, publicly operated Florida resource airport identified by the statewide aviation system plan as a facility needed to meet future state aviation system demands. Such funding is limited to airports that have no scheduled commercial services; that are owned by a city, county, or airport authority that does not have an airport with scheduled commercial service; and that have not received a federal capital grant in the last 4 years.

Section 12. Subsection (10) of section 334.03, Florida Statutes, is amended to read:

334.03 Definitions.—When used in the Florida Transportation Code, the term:

(10) "Florida Intrastate Highway System" means a system of limited access and controlled access facilities on the State Highway System which have the capacity to provide high-speed and high-volume traffic movements in an efficient and safe manner. ~~Highways may only be included as part of this system when so designated by law.~~

Section 13. Subsection (3) is added to section 335.093, Florida Statutes, to read:

335.093 Scenic highway designation.—

(3) The designation of scenic highways by the department and the criteria adopted by the department for the designation of scenic highways are not intended to affect or limit existing or customary uses in commercial or industrial areas that are adjacent to designated scenic highways nor is designation intended to limit the ability of local government entities to control or limit land uses in commercial or industrial areas within their jurisdictions. This subsection shall take effect on July 1, 1996.

Section 14. Effective October 1, 1994, paragraph (d) is added to subsection (1) of section 336.025, Florida Statutes, to read:

336.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)

(d) If an interlocal agreement entered into under this section does not provide for periodic review by the local governmental entities of the method of distribution of local option gas tax revenues, the parties to the agreement must review and hold public hearings on the terms of the agreement at least every 2 years. If no cooperative review of an agreement has been conducted within 2 years prior to January 1, 1994, the parties to the agreement must hold public hearings on the agreement prior to January 1, 1995.

Section 15. Subsection (5) of section 337.015, Florida Statutes, is amended to read:

337.015 Administration of public contracts.—Recognizing that the inefficient and ineffective administration of public contracts inconveniences the traveling public, increases costs to taxpayers, and interferes with commerce, the Legislature hereby determines and declares that:

(5) To encourage increased competition and timely completion of construction projects, the department may allow flexible start and finish time limits ~~starting times~~ when the commencement of work is not essential to the public health, safety, or welfare. When using flexible start and finish time limits the department may withhold up to 10 percent retainage on completed work when the contractor either fails to timely commence work or falls behind in work progress at any point prior to completion of the contract.

Section 16. Paragraph (a) of subsection (5) and subsection (6) of section 337.11, Florida Statutes, are amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(5)(a) Any person who files an action protesting a bid solicitation, a bid rejection, or an award pursuant to this section shall post with the department, at the time of filing a notice of protest, a bond payable to the department in the following amounts:

1. For an action protesting a bid solicitation that requires qualification of bidders, the bond shall be \$5,000.

2. For an action protesting a bid rejection or contract award that requires qualification of bidders, the bond shall be equal to 1 percent of the lowest bid submitted or \$5,000, whichever is greater.

3. For an action protesting a bid solicitation, bid rejection, or contract award that does not require qualification of bidders, ~~the bond shall be \$2,500 no bond shall be required.~~

(6)(a) ~~If the secretary head of the department~~ determines that an emergency in regard to the restoration or repair of any state transportation facility exists such that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, the provisions for competitive bidding do not apply; and the department may enter into contracts for restoration or repair without giving opportunity for competitive bidding on such contracts. Within 30 days after such determination and contract execution, the head of the department shall file with the Executive Office of the Governor a written statement of the conditions and circumstances constituting such emergency.

(b) ~~If the secretary determines that delays on a contract for maintenance exist due to administrative challenges or bid protests and that further delay would reduce safety on the transportation facility or seriously hinder the department's ability to preserve the state's investment in that facility, competitive bidding provisions may be waived and the department may enter into a contract for maintenance on the facility. However, contracts for maintenance executed under the provisions of this paragraph shall be interim in nature and shall be limited in duration to a period of time not to exceed the length of the delay necessary to complete the competitive bidding process and have the contract in place.~~

Section 17. Section 337.16, Florida Statutes, is amended to read:

337.16 Disqualification of delinquent contractors from bidding; denial, suspension, and revocation of certificates of qualification; *exception*; grounds; hearing.—

(1) A contractor shall not be qualified to bid when an investigation by the department discloses that such contractor is delinquent on a previously awarded contract, and in such case his certificate of qualification shall be suspended or revoked. Any contractor whose certificate of qualification is suspended or revoked for delinquency shall also be disapproved as a subcontractor during the period of suspension or revocation, except when a prime contractor's bid has used prices of a subcontractor who becomes disqualified after the bid and before the request for authorization to sublet is presented.

(a) A contractor is delinquent when unsatisfactory progress is being made on a construction project or when the allowed contract time has expired and the contract work is not complete. Unsatisfactory progress shall be determined in accordance with the contract provisions.

(b) The department shall inform the contractor in writing of its intent to deny, suspend, or revoke his certificate of qualification to bid on work let by the department for delinquency and inform him of his right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the hearing officer of the request for the hearing. The recommended order shall be issued within 15 days after the hearing. The contractor's application for a certificate of qualification shall be denied or the contractor's current certificate of qualification shall be suspended for the number of days that it is administratively determined that the contractor was delinquent even if the delinquency is cured during the pendency of the hearing proceedings.

(c) In addition to the period of suspension required in paragraph (b), the department shall deny or suspend the certificate of qualification of

such contractor in accordance with the following schedule: If a contractor has been suspended twice within an 18-month period, the period of suspension shall be 3 months; if such contractor has been suspended twice within a 24-month period, the period of suspension shall be 2 months; and, if such contractor has been suspended 3 times within a 30-month period, the period of suspension shall be 4 months. The department shall inform the contractor in writing of its intent to deny or suspend his certificate of qualification to bid on work let by the department and inform him of his right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt of the request for the hearing. Upon a determination that the contractor's certificate of qualification had been suspended for delinquency, it shall deny or suspend the certificate of the contractor as provided in this paragraph.

(d) Such suspension or revocation shall not affect the contractor's obligations under any preexisting contract.

(2) For reasons other than delinquency in progress, the department, for good cause, may deny or suspend for a specified period of time or revoke any certificate of qualification. Good cause includes, but is not limited to, circumstances in which a contractor or his official representative:

(a) Makes or submits to the department false, deceptive, or fraudulent statements or materials in any bid proposal to the department, any application for a certificate of qualification, any certification of payment pursuant to s. 337.11(10), or any administrative or judicial proceeding;

(b) Becomes insolvent or is the subject of a bankruptcy petition;

(c) Fails to comply with contract requirements, in terms of payment or performance record, or to timely furnish contract documents as required by the contract or by any state or federal statute or regulation;

(d) Wrongfully employs or otherwise provides compensation to any employee or officer of the department, or willfully offers an employee or officer of the department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment;

(e) Is an affiliate of a contractor whose certificate of qualification has been suspended or revoked and the affiliate is dependent upon such contractor for personnel, equipment, bonding capacity, or finances; or

(f) Fails to register, pursuant to chapter 320, motor vehicles that he operates in this state.

(3) *If a contractor fails to comply with a contractual requirement that relates to payment, performance, or furnishing of a contract document, as required by the contract or by a state or federal law or rule, the department shall notify the contractor, as provided in subsection (1), that, until the contractor complies with the requirement, the contractor is disqualified from bidding on any other state contract.*

Section 18. Subsections (2), (3), and (4), paragraph (a) of subsection (5), and subsection (6) of section 337.18, Florida Statutes, are amended to read:

337.18 Surety bonds; requirement with respect to contract award; defaults; damage assessments.—

(2) The department shall provide in its contracts for the determination of default on the part of any contractor for cause attributable to such contractor. The department ~~is not liable shall have no liability~~ for anticipated profits ~~on for~~ unfinished work ~~under on~~ a contract ~~that~~ which has been determined to be in default. ~~Each Every~~ contract let by the department for the performance of work ~~must shall~~ contain a provision for payment to the department by the contractor of liquidated damages, ~~as provided in subsection (3),~~ due to failure of the contractor to complete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department. The contractual provision ~~must shall~~ include a reasonable estimate of the damages that would be incurred by the department as a result of such failure. The department shall establish a schedule of daily liquidated damage charges for construction contracts entered into by the department, which schedule ~~must shall~~ be incorporated by reference into the contract. The department shall update the schedule of liquidated damages at least once every 2 years, but no more often than once a year. ~~The schedule shall, at a minimum, be based on the average construction, engineering, and inspection costs experienced by the department on contracts over the 2 preceding fiscal years.~~ The schedule ~~must shall~~ be divided into the following categories, based on the original contract amounts:

- (a) ~~Contracts of \$50,000 or less and under;~~
- (b) ~~Contracts over \$50,000, but less than \$250,000;~~
- (c) ~~Contracts of \$250,000 or more, but less than \$500,000;~~
- (d) ~~Contracts of \$500,000 or more, but less than \$2,500,000;~~
- (e) ~~Contracts of \$2,500,000 or more, but less than \$5,000,000;~~
- (f) ~~Contracts of \$5,000,000 or more, but less than \$10,000,000;~~
- (g) ~~Contracts of \$10,000,000 or more, but less than \$15,000,000;~~
- (h) ~~Contracts of \$15,000,000 or more, but less than \$20,000,000; and~~
- (i) ~~Contracts of \$20,000,000 or more and over.~~

~~Any such liquidated damages paid to the department shall be deposited to the credit of the fund from which payment for the work contracted was authorized.~~

(3) *The department shall assess damages each day to cover the anticipated cost of project delays or for inconvenience to the department or public. The damages may include road-user costs, costs resulting from retaining detours for an extended time, and similar costs. The amount assessed each day must be based solely on the average construction, engineering, and inspection costs experienced by the department over the preceding 2 years. Damages paid to the department shall be deposited to the credit of the fund from which payment for the work contract was authorized.*

~~(a) A contractor who fails to complete a solely state funded project within the time stipulated in the contract or within such additional time as may have been granted by the department shall forfeit and pay to the department a penalty equal to the daily liquidated damage charge per calendar day as set forth in the contract for each day such contractor exceeds the allowed contract time.~~

~~(b) If a penalty for failure to timely complete a project is prohibited with respect to any contract by federal law or regulation, the department may assess additional daily amounts as liquidated damages to cover anticipated costs of project related delays or inconveniences to the department or the public. Road user costs, costs resulting from retaining detours for an extended time, and similar costs may be included in the additional amounts assessed. The additional daily assessment under this paragraph may not exceed an amount equal to the daily liquidated damage charge set forth in the contract.~~

(4) In addition to the ~~provision for~~ payment to the department by the contractor of liquidated damages ~~and penalties~~ due to the failure of the contractor to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department, the department may also recover from the contractor amounts paid by the department for damages suffered by third parties as a result of the contractor's failure to complete the project within the time stipulated in the contract or within such additional time as may have been granted by the department, unless the failure to timely complete the project was caused by the department's act or omission. However, *this subsection does not* ~~nothing herein shall~~ create a cause of action against the department, or against a contractor by an abutting property owner or business entity, ~~where none has previously existed.~~

(5)(a) If the department determines and adequately documents that the timely completion of any project is essential to the public health, safety, or welfare, or is cost beneficial on a revenue-producing project, the contract for such project may provide for an incentive payment payable to the contractor for early completion of the project or critical phases of the work and for additional damages to be assessed against the contractor for the completion of the project or critical phases of the work in excess of the time specified. All contracts containing such provisions ~~must shall~~ be approved by the head of the department or his designee. The amount of such incentive payment or such additional damages ~~must shall~~ be established in the contract but ~~may shall~~ not exceed \$10,000 per calendar day for a maximum period of 60 days, except that for revenue-producing projects the amounts and periods of the incentive may be greater if an analysis indicates that additional revenues projected to be received upon completion of the project will exceed the cost of the incentive payments. ~~Any liquidated Damages provided for under subsections subsection (2) and, any penalty provided for under subsection (3), and any additional damages provided for under this subsection are shall be payable to the department if because of the contractor fails contractor's failure to com-~~

plete the contract work within the time stipulated in the contract or within such additional time as may have been granted by the department.

(6) ~~Such Bonds required by this section are shall be~~ subject to the additional obligation that the principal and the surety executing the bonds are ~~same shall be~~ liable to the state in a civil action instituted by the department or any officer of the state authorized in such cases, for double any amount of ~~in~~ money or ~~double the value of any~~ property the state may lose, ~~or be overcharged, or otherwise be defrauded of, by reason of any wrongful or criminal act, if any, of the contractor or; his agent, or employee employees.~~

Section 19. Subsection (3) of section 337.19, Florida Statutes, is amended to read:

337.19 Suits by and against department; limitation of actions; forum.—

(3) Any action or suit brought against the department shall be brought in the county or counties where the cause of action accrued or in Leon County or in the county of the department's district office responsible for the work.

Section 20. Subsection (4) of section 337.221, Florida Statutes, is amended to read:

337.221 Claims settlement process.—It is the intent of the Legislature that a process be created to resolve contractual claims between the department and providers of goods and services and that the department pursue the recovery of additional costs resulting from substandard goods and services provided to the department.

(4) The recovery for a claim not resolved through the department's claim settlement process shall only be pursued through state arbitration board or circuit court proceedings, as provided by law. *Failure by the department to resolve a claim within 45 days of its submission constitutes a denial of the claim.*

Section 21. Paragraph (c) of subsection (1), subsection (4), paragraph (a) of subsection (5), and subsection (7) of section 337.25, Florida Statutes, are amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(1)

(c) When lands, buildings, or other improvements are needed for transportation purposes, but are held by a federal, state, or local governmental entity and ~~used utilized~~ for public purposes other than transportation, the department may compensate the entity for such properties by providing functionally equivalent replacement facilities. The providing of replacement facilities under this subsection may ~~only~~ be undertaken *only* with the agreement of the governmental entity affected.

(4) The department may sell, in the name of the state, any land, building, or other property, real or personal, which was acquired under ~~the provisions of subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility and which is not located in a transportation corridor.~~ When such a determination has been made, property may be disposed of in the following manner:

(a) If the value of the property is \$10,000 \$5,000 or less, the department may negotiate the sale.

(b) If the value of the property exceeds \$10,000 \$5,000, such property may be sold to the highest bidder ~~only~~ by receipt of sealed competitive bids, after due advertisement, or by public auction held at the site of the improvement ~~that which is being sold. If as a result of an inquiry the department initiates the process for disposing of the property, the person making the inquiry shall bear the cost of an independent appraisal to determine the fair market value of the property. If the property is sold to someone other than such person, the cost of the independent appraisal shall be borne by the purchaser, and the person making the inquiry shall have the cost of the appraisal refunded to him. If, however, no purchase takes place, the person making the initial inquiry shall forfeit the sum paid by him for the independent appraisal. If, due to action of the department, the property is removed from eligibility for sale, the cost of any appraisal prepared shall be refunded to the person who paid for the appraisal.~~

(c) If, in the discretion of the department, public sale would be inequitable, properties may be sold by negotiation to the owner holding title to the property abutting the property to be sold, provided such sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of the abutting land. If negotiations do not result in the sale of the property to the owner of the abutting land and the property is sold to someone else, the cost of the independent appraisal shall be borne by the purchaser; and the owner of the abutting land shall have the cost of the appraisal refunded to him. If, however, no purchase takes place, the owner of the abutting land shall forfeit the sum paid by him for the independent appraisal. If, due to action of the department, the property is removed from eligibility for sale, the cost of any appraisal prepared shall be refunded to the owner of the abutting land.

(d) If property acquired for use as a borrow pit is no longer needed, the department may sell such property to the owner of the parcel of abutting land from which the borrow pit was originally acquired, provided the sale is at a negotiated price not less than fair market value as determined by an independent appraisal, the cost of which shall be paid by the owner of such abutting land.

(e) If the department begins the process for disposing of the property on its own initiative, either by negotiation under the provisions of paragraph (a), paragraph (c), paragraph (d), or paragraph (i), or by receipt of sealed competitive bids or public auction under the provisions of paragraph (b) or paragraph (i), a department staff appraiser may determine the fair market value of the property by an appraisal.

(f) Any property ~~that which~~ was acquired by a county or by the department using constitutional gas tax funds for the purpose of a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or county road system and ~~that which~~ is no longer used or needed by the department may be conveyed without consideration to that county. The county may then sell such surplus property upon receipt of competitive bids in the same manner prescribed in this section.

(g) If a property has been donated to the state for transportation purposes and the facility has not been constructed for a period of at least 5 years and no plans have been prepared for the construction of such facility and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or to his heirs, successors, assigns, or representatives.

(h) If property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(i) If property was originally acquired specifically to provide replacement housing for persons displaced by federally assisted transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive no less than its investment in such properties or fair market value, whichever is lower. It is expressly intended that this benefit be extended only to those persons actually displaced by such project. Dispositions to any other persons must be for fair market value.

(5) The department may convey a leasehold interest for commercial or other purposes, in the name of the state, to any land, building, or other property, real or personal, which was acquired under the provisions of subsection (1).

(a) The department may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the department's acquisition; or, if public bidding would be inequitable, with the owner holding title to ~~all~~ privately owned abutting property, *if reasonable notice is provided to all other owners of abutting property.* The department may allow an outdoor advertising sign to remain on the property acquired, or be relocated on department property, and such sign shall not be considered a nonconforming sign pursuant to chapter 479.

(7) The appraisal required by paragraphs (4)(b), (c), and (d) shall be prepared in accordance with department guidelines and rules by an independent appraiser who has been certified by the department. If federal funds were used in the acquisition of the property, the appraisal shall also be subject to the approval of the Federal Highway Administration.

Section 22. Subsection (3) of section 337.276, Florida Statutes, is amended to read:

337.276 Advanced acquisition of right-of-way.—

(3) The Division of Bond Finance of the State Board of Administration is authorized, in accordance with s. 215.605, to issue state bonds on behalf of the department to finance right-of-way land acquisition ~~for facilities that are not revenue-producing. If right-of-way purchased from the proceeds of such bonds is used for a revenue-producing facility, the owner of that facility must reimburse the Right-of-Way Acquisition and Bridge Construction Trust Fund in an amount equal to the cost of acquiring that right-of-way.~~ The total amount of bonds to be issued under this section ~~is shall be~~ limited by the debt service requirements of the bonds issued, and such requirements ~~may shall~~ not exceed 90 percent of the pledged revenue authorized to be transferred pursuant to s. 206.46(2). The proceeds from the sale of these bonds shall be allocated by the department only to fund advanced right-of-way projects identified pursuant to the programs contained in subsection (2). If the total amount of bonds issued under this section exceeds \$500 million, then no less than \$200 million of the total bond proceeds shall be allocated to fund projects identified pursuant to the program ~~described contained~~ in paragraph (2)(b).

Section 23. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.—

(1) The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or *publicly owned rail corridors* are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or *publicly owned rail corridors* under their respective jurisdictions any electric transmission, telephone, or telegraph lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures hereinafter referred to as the "utility."

Section 24. Section 337.402, Florida Statutes, is amended to read:

337.402 Damage to public road caused by utility.—When any public road or *publicly owned rail corridor* is damaged or impaired in any way because of the installation, inspection, or repair of a utility located on such road or *publicly owned rail corridor*, the owner of the utility shall, at his own expense, restore the road or *publicly owned rail corridor* to its original condition before such damage. If the owner fails to make such restoration, the authority is authorized to do so and charge the cost thereof against the owner under the provisions of s. 337.404.

Section 25. Section 337.403, Florida Statutes, is amended to read:

337.403 Relocation of utility; expenses.—

(1) Any utility heretofore or hereafter placed upon, under, over, or along any public road or *publicly owned rail corridor* that is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or *publicly owned rail corridor* shall, upon 30 days' written notice to the utility or its agent by the authority, be removed or relocated by such utility at its own expense except as provided in paragraphs (a) and (b).

(a) If the relocation of utility facilities, as referred to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627 of the Eighty-Fourth Congress, is necessitated by the construction of a project on the federal-aid interstate system, including extensions thereof within urban areas, and the cost of such project is eligible and approved for reimbursement by the Federal Government to the extent of 90 percent or more under the Federal Aid Highway Act, or any amendment thereof, then in that event the utility owning or operating such facilities shall relocate such facilities upon order of the department, and the state shall pay the entire expense properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

(b) When a joint agreement between the department and the utility is executed for utility improvement, relocation, or removal work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility improvement, relocation, or removal costs that exceed the department's official estimate of the cost of such work by more than 10 percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the

amount awarded for this work in the construction contract for such work. The department may not participate in any utility improvement, relocation, or removal costs that occur as a result of changes or additions during the course of the contract.

(2) If such removal or relocation is incidental to work to be done on such road or *publicly owned rail corridor*, the notice shall be given at the same time the contract for the work is advertised for bids, or 30 days prior to the commencement of such work by the authority.

(3) Whenever an order of the authority requires such removal or change in the location of any utility from the right-of-way of a public road or *publicly owned rail corridor*, and the owner thereof fails to remove or change the same at his own expense to conform to the order within the time stated in the notice, the authority shall proceed to cause the utility to be removed. The expense thereby incurred shall be paid out of any money available therefor, and such expense shall, except as provided in subsection (1), be charged against the owner and levied and collected and paid into the fund from which the expense of such relocation was paid.

Section 26. Subsection (1) of section 337.405, Florida Statutes, is amended to read:

337.405 Trees or other vegetation within rights-of-way of State Highway System or *publicly owned rail corridors*; removal or damage; penalty.—

(1) The removal, cutting, marring, defacing, or destruction of any trees or other vegetation, either by direct personal action or by causing any other person to take such action, within the rights-of-way of roads located on the State Highway System or *within publicly owned rail corridors* is prohibited unless prior written permission to remove or cut such trees or other vegetation has been granted by the department, except where normal tree trimming is required to ensure the safe operation of utility facilities and such tree trimming is performed in accordance with the provisions of its utility accommodations guide, and any subsequent amendments thereto. The department shall adopt rules for the implementation of this section to achieve protection of vegetation while at the same time assuring safe utility operations.

Section 27. Paragraphs (a) and (b) of subsection (1), and paragraph (a) of subsection (2), of section 337.407, Florida Statutes, is amended to read:

337.407 Regulation of signs and lights within rights-of-way.—

(1)(a) No person shall erect any sign, as defined in chapter 479, or light within the right-of-way limits of any road on the interstate highway system, the federal-aid primary highway system, the State Highway System, the State Park Road System, or the county road system; however, the department is authorized to adopt rules concerning the placement of signs, canopies, and other overhanging encroachments along and over any state roads ~~that which~~ are within municipalities, or ~~that which~~ are of curb-and-gutter construction outside municipalities, provided no supports are located within the rights-of-way.

(b) ~~A sign erected or maintained in The department has the authority to direct removal of any violation of paragraph (a) must be removed as provided in this paragraph as provided herein.~~

1. The removal of a sign from the right-of-way of the interstate highway system, the federal-aid primary highway system, the State Highway System, or the State Park Road System ~~must shall~~ be in accordance with the provisions of chapter 479.

2. If a sign or light is located on the right-of-way of the county road system in violation of paragraph (a), the ~~county must department shall~~ direct the immediate removal of the sign or light. However, if the value of the sign or light is greater than \$500 and the sign or light bears the name of the owner or of the person or firm the advertisement of which is on the sign, ~~the such~~ sign or light ~~may shall~~ not be removed until ~~the such~~ owner, person, or firm ~~that is, as~~ shown thereon, has received a 30-day notice as provided by chapter 479.

(2)(a) ~~The provisions of Subsection (1) does do~~ not apply to benches or transit shelters, or to advertising displayed on benches or shelters, installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway; provided that such benches or shelters are for the comfort or convenience of the general public, or at designated stops on official bus routes; and provided further that written

authorization has been secured by a qualified private supplier of such service from the appropriate municipal or county government. A municipality or county may authorize the installation, without public bid, of benches and shelters together with advertising displayed thereon, within the right-of-way limits of such roads within its jurisdiction. Any contract for the installation of benches or shelters or advertising on benches or shelters which was entered into before April 8, 1992, without public bidding is ratified and affirmed, if such contract is otherwise valid. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. *Advertising displayed on a transit bus bench in place on January 1, 1994, that is not more than 84 inches in length, more than 30 inches in height, and not of a reflectorized material, may remain in place.*

Section 28. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of bus benches and transit shelters within rights-of-way.—Any bus bench or transit shelter located on a sidewalk within the right-of-way of any road on the State Highway System shall be located so as to leave at least 36 inches clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road. *A bus bench placed within the right-of-way in use on January 1, 1994, that is not more than 84 inches in length, 28 inches in depth, or 48 inches in height, may be allowed to remain in place.*

Section 29. Section 338.001, Florida Statutes, is amended to read:

338.001 Florida Intrastate Highway System Plan.—

(1) The department shall plan and develop a proposed Florida Intrastate Highway System Plan which shall delineate a statewide system of limited access facilities and controlled access facilities. The plan shall provide a statewide transportation network that allows for high-speed and high-volume traffic movements within the state. The primary function of the system is to provide such traffic movements. Access to abutting land is subordinate to this function, and such access must be prohibited or highly regulated.

(2) This system shall consist of the following components of the State Highway System ~~primary components~~:

- (a) Interstate highways.
- (b) The Florida Turnpike System.
- (c) Interregional and intercity limited access facilities.
- (d) Existing interregional and intercity arterial highways previously upgraded or upgraded in the future to controlled access facility standards.
- (e) New limited access facilities necessary to complete a balanced statewide system.

(3) The department shall adhere to the following policy guidelines in the development of the proposed plan:

- (a) Make capacity improvements to existing facilities where feasible to minimize costs and environmental impacts.
- (b) Identify appropriate arterial highways in major transportation corridors for inclusion in a program to bring these facilities up to controlled access facility standards.
- (c) Coordinate proposed system projects with appropriate limited access projects undertaken by expressway authorities and local governmental entities.
- (d) Maximize the use of limited access facility standards when constructing new arterial highways.
- (e) Identify appropriate new limited access highways for inclusion as a part of the Florida Turnpike System.
- (f) To the maximum extent feasible, ensure that proposed system projects are consistent with approved local government comprehensive plans of the local jurisdictions in which such facilities are to be located and with the transportation improvement program of any metropolitan planning organization in which such facilities are to be located.

(4) Projects in the proposed plan are anticipated to be let to contract for construction within a time period of 20 years. *The plan shall also*

identify when segments of the system will meet the standards and criteria developed pursuant to subsection (5). Each project contained in the proposed plan shall have a projected date of contract letting.

(5) The department shall establish the standards and criteria for the functional characteristics and design of facilities proposed as part of the Florida Intrastate Highway System.

(6) For the purposes of developing the proposed plan, *beginning in fiscal year 1993-1994 and for each fiscal year thereafter, the minimum amount allocated shall be based on the fiscal year 1992-1993 allocation of \$151.3 million adjusted annually by the change in the Consumer Price Index for the prior fiscal year compared to the Consumer Price Index for fiscal year 1991-1992. the department shall allocate the following amounts:*

~~(a) In fiscal year 1990-1991, \$76.6 million to projects which are included in the plan. For turnpike projects the department may allocate no more than \$75 million of this amount for the 1990-1991 fiscal year.~~

~~(b) In fiscal year 1991-1992, \$136.6 million to projects which are included in the plan. For turnpike projects the department may allocate no more than \$125 million of this amount for the 1991-1992 fiscal year.~~

~~(c) In fiscal year 1992-1993, \$151.3 million to projects which are included in the plan. For turnpike projects the department may allocate no more than \$125 million of this amount for the 1992-1993 fiscal year.~~

~~(d) For each fiscal year thereafter, the amount allocated in paragraph (c), adjusted annually by the change in the Consumer Price Index for the prior fiscal year compared to the Consumer Price Index for fiscal year 1991-1992, shall be allocated to projects in the plan. For turnpike projects the department may allocate no more than \$100 million for the 1993-1994 fiscal year.~~

No amounts from the funds dedicated to the Florida Intrastate Highway System shall be allocated to turnpike projects after the 1993-1994 fiscal year. *Not more than a total of \$425 million of the funds dedicated to the Florida Intrastate Highway System may be allocated to turnpike projects.*

(7) Any project to be constructed as part of the Florida Intrastate Highway System shall be included in the department's adopted work program. Any Florida Intrastate Highway System projects that are added to or deleted from the previous adopted work program, or any modification to Florida Intrastate Highway System projects contained in the previous adopted work program, shall be specifically identified and submitted as a separate part of the tentative work program.

(8) *A status report on the Florida Intrastate Highway System Plan shall be annually submitted to the legislative transportation committees no later than 14 days after the regular legislative session convenes. Updates of the Florida Intrastate Highway System Plan shall be included as a section of the Florida Transportation Plan annually submitted to the Legislature by January 15. Subsequent to an annual submission, but before the next regular legislative session after such submission, the department shall present to the legislative transportation committees a status report on the Florida Intrastate Highway System Plan.*

Section 30. Section 338.065, Florida Statutes, is amended to read:

338.065 General motorist services signs and business logo signs; fee schedule.—The department may, by rule, establish a fee schedule to be charged for the costs of placing a general motorist services sign signs or specific business logo signs on the right-of-way of a limited-access highway limited-access highways outside an urban or urbanized area areas in accordance ~~accord~~ with the uniform system of traffic control devices adopted pursuant to s. 316.0745. *The fee must. Such costs shall be limited to the costs of sign materials and installation.*

Section 31. Section 338.155, Florida Statutes, is amended to read:

338.155 Payment of tolls at toll-on toll facilities required; exemptions.—

(1) ~~No person may persons are permitted to use any toll facility without payment of tolls, except as provided in subsections (2) and (3) employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary~~

~~basis where use of such toll facility is required as a detour route. A person who fails The failure to pay a prescribed toll is guilty of constitutes a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18.~~

(2) *The following persons are exempt from the payment of tolls in this state:*

(a) Any person driving a ~~an automobile or other motor vehicle~~ belonging to the ~~Florida National Guard military department of the state~~ used for transporting military personnel, stores, or ~~and~~ property, when properly identified, ~~shall, together with any such conveyance and military personnel and property of the state in his charge, be allowed to pass free through all tollgates and over all toll bridges and ferries in this state.~~

(b)(3) Any handicapped person who has a valid driver's license, who operates a vehicle specially equipped for use by the handicapped, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments ~~that which~~ substantially impair the person's ability to deposit coins in toll baskets, ~~shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state.~~ A person who meets the requirements of this ~~paragraph subsection~~ shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

(c) *A sworn law enforcement officer who is driving a vehicle that is marked as a law enforcement vehicle and who is on official law enforcement business.*

(3) *The following persons are exempt from paying the toll at a particular facility:*

(a) *An employee of the agency that operates the toll facility who is on official agency business.*

(b) *A person who has been exempted from paying the toll by the resolution that authorized the issuance of bonds to finance that facility.*

(c) *A person who is using the facility temporarily as a department-mandated detour.*

(d) *A person who is using the facility as an emergency evacuation route, if the collection of tolls has been suspended by the department.*

(4) *The department may suspend the collection of tolls when necessary to assist in an emergency evacuation.*

(5)(4) A copy of this section shall be posted at each toll bridge and on each ferry.

(6)(5) The Department of Transportation shall provide envelopes for voluntary payments of tolls by those persons exempted from the payment of tolls pursuant to this section. The department shall accept any voluntary payments made by exempt persons.

Section 32. Subsection (3) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(3) All obligations and expenses incurred by the department under this section shall be paid by the department and charged to the appropriate turnpike project. The department shall keep proper records and accounts showing each amount that is so charged. All obligations and expenses so incurred shall be treated as part of the cost of such project and shall be reimbursed to the department out of turnpike revenues or out of the bonds authorized under ss. 338.22-338.244 except when such reimbursement is prohibited by state or federal law. However, the department is authorized, with the approval of the Legislature, to use ~~federal and state transportation funds to pay from the State Transportation Trust Fund~~ a portion of the capital cost of toll projects as necessary to meet the requirements of ~~paragraph (1)(a) s. 338.223(1)(a).~~ ~~Federal and state transportation funds included in an adopted work program In order to meet the requirements of paragraph (1)(a), the department may provide that State Transportation Trust Fund moneys spent prior to July 1, 1992, included in the work program adopted in July 1991, or included in the work program adopted no later than July 1, 1992, for a proposed turnpike project do not have to be reimbursed to the State~~

Transportation Trust Fund, nor are those moneys required to be considered or used in determining the economic feasibility of the proposed project.

Section 33. Subsection (3) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves:

(3) Subject to verification of economic feasibility by the department, determination that such projects are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the local government jurisdiction in which such projects are located, and completion of a statement of environmental feasibility in accordance with s. 338.221(8) and (10), respectively, the following projects are approved:

(a) The Polk County Parkway; a 24.8-mile, two-lane and four-lane, limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland near Drainfield Road eastward to State Road 540 and to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road. ~~The department is authorized to use up to \$412 million for this project.~~

(b) Branan Field/Chaffee Road Facility; an 11-mile limited access expressway extending north from State Road 21 in Clay County to Chaffee Road in western Duval County. ~~The department is authorized to use up to \$192 million for this project.~~

(c) Palmer Expressway; a 6.2-mile, four-lane, limited access expressway in St. Lucie County extending from Glades Cut-off Road to U.S. 1. ~~The department is authorized to use up to \$121 million for this project.~~

(d) Seminole County Expressway, Project 1; a four-lane limited access expressway extending 12 miles from State Road 426 near the Orange/Seminole County line in east Orlando to U.S. 17/92. ~~The department is authorized to use up to \$200 million for this project.~~

(e) Northwest Hillsborough Expressway; a 14.9-mile, four-lane, limited access toll facility extending north from the Courtney Campbell Causeway near the Tampa International Airport to Dale Mabry Highway (State Road 597) just north of Van Dyke Road. ~~The department is authorized to use up to \$333 million for this project.~~

(f) The Southern Connector Extension; a 6.0-mile, four-lane, limited access extension of the Southern Connector toll facility extending southwesterly from a point one mile east of State Road 535 to an interchange with I-4 south of U.S. 192. ~~The department is authorized to use up to \$82 million for this project.~~

(g) Seminole County Expressway, Project 2; a 5.7-mile, four-lane, limited access highway extending from U.S. 17/92 interchange to an interchange with C.R. 46A and I-4. ~~The department is authorized to use up to \$150 million for this project.~~

(h) ~~North Suncoast Parkway, Project 1 Corridor; a 44 43-mile, four-lane, limited access highway extending north from the Northwest Hillsborough Expressway to S.R. 700 (U.S. 98) in Hernando County; and Suncoast Parkway, Project 2, a 30-mile limited access facility extending from S.R. 700 (U.S. 98) in Hernando County to S.R. 55 (U.S. 19) near Citrus-Levy County line. The department is authorized to use up to \$434 million for this project.~~

(i) Western Beltway; a 55.0-mile, four-lane, limited access highway originating at I-4 in the vicinity of C.R. 46A in Seminole County and extending westerly and southerly through Orange and Osceola Counties to an interchange with I-4 near the Osceola-Polk county line, excluding that portion known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka. ~~The department is authorized to use up to \$453.2 million for this project.~~

(j) Central Connector; a 5-mile limited access highway in Orange County extending from the Bee Line Expressway east of Florida's Turnpike, north to Interstate 4 near the Orange Blossom Trail, including the Downtown I-4/Systems Interchange. ~~The department is authorized to use up to \$350 million for this project.~~

(k) Northern Extension Project; a 49.0-mile, four-lane, limited access highway extending from the northern terminus of the Florida Turnpike in Sumter County to an interchange with U.S. 19 at Lebanon Station in Levy County. ~~The department is authorized to use up to \$336 million for this project.~~

- (l) Atlantic Boulevard Interchange in Broward County.
- (m) N.W. 37th Avenue Interchange in Broward County.
- (n) S.R. 80/Southern Boulevard Interchange in Palm Beach County.
- (o) Forest Hill Boulevard Interchange in Palm Beach County.
- (p) N.W. 45th Street Interchange in Palm Beach County.
- (q) Lake Worth Road Interchange in Palm Beach County.
- (r) East/West Expressway Interchange in Orange County.
- (s) Southern Connector Interchange in Orange County.
- (t) S.R. 50 Interchange in Orange County.
- (u) Dart Boulevard Interchange in Osceola County.
- (v) N.W. 74th Street Interchange in Dade County.
- (w) Allapattah Road Interchange in Dade County.
- (x) Tallahassee Road Interchange in Dade County.
- (y) Biscayne Drive Interchange in Dade County.
- (z) Campbell Drive Interchange in Dade County.

A maximum of \$1.5 billion of bonds may be issued to fund the projects listed ~~contained~~ in this subsection. The department is authorized to use turnpike revenues, the State Transportation Trust Fund moneys allocated for turnpike projects pursuant to s. 338.001, federal funds, and bond proceeds for the above projects listed in this subsection, and shall use the most cost-efficient combination of such funds in developing a financial plan for funding the projects. Up to 10 percent of the total amount of the approved costs of all of the above projects listed in this subsection may be set aside as a contingency amount, from which the department may allocate funds for a project that exceeds its anticipated cost approved above, but in no event shall the funds allocated from this contingency amount exceed 15 percent of the project's anticipated approved cost. Verification of economic feasibility and statements of environmental feasibility for individual projects must shall be based on the entire project as approved. Statements of environmental feasibility are shall not be required for those projects listed set forth in this subsection for on which the project development and environmental reports were have been completed by July 1, 1990. All required environmental permits must shall be obtained before the department may advertise for bids for contracts for the construction of any turnpike project.

Section 34. Section 338.234, Florida Statutes, is amended to read:

338.234 ~~Prohibition against~~ Granting concessions or selling along the turnpike system; ~~exceptions; when information centers allowed; Department of Citrus to advise on sale of citrus products.~~

(1) The department may grant ~~is prohibited from granting~~ concessions or sell ~~selling any~~ services or products along the turnpike system which benefit the traveling public. Services and products authorized include, but are not limited to, ~~except for~~ the sale of motor fuel; with attendant towing and maintenance services facilities; the sale of food with attendant nonalcoholic beverages; the sale of state lottery tickets by authorized retailers; the granting of concessions for amusement devices that which operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; the sale of Florida citrus, goods promoting the state, or handmade goods produced within the state; the granting of concessions for equipment that which provides travel information or tickets, reservations, or other related services; and the granting of concessions that provide for equipment which provides banking and other business services. The department may also provide information centers on the plazas for the benefit of the public.

(2) The department may provide an opportunity for governmental agencies to hold public events at turnpike plazas which educate the traveling public as to safety, travel, and tourism of Citrus ~~shall act as an advisory body to the Department of Transportation in the implementation of subsection (1) with regard to the sale of citrus products.~~

Section 35. Section 338.235, Florida Statutes, is amended to read:

338.235 Contracts with department for provision of services on the turnpike system.—

(1) The department is empowered to contract with any person for the purpose of providing a service on the turnpike system, including those services authorized in s. 338.234, which the department determines is necessary or desirable, and to review and adjust as appropriate the terms, conditions, rates, and charges for use.

(2)(a) In order to secure high-quality products and services for turnpike patrons, products and services authorized by s. 338.234(1) shall be secured through the request-for-proposal process. The department may shall select the proposal and fee which best satisfy the conditions of a quality service and product operation for the turnpike system. The factors to be used in evaluating proposals include, but are not limited to:

- (a)1. The financial capacity of the provider;
- (b)2. The willingness to contribute toward the cost of facility construction;
- (c)3. The type and quality of the service or product offered;
- (d)4. The price structure of the service or product offered;
- (e)5. Management experience and capabilities;
- (f)6. The national brand names offered;
- (g)7. The originality of the concept and its relationship to the turnpike system;
- (h)8. The lease rate; and
- (i)9. Other factors that the department may deem pertinent.

(b) ~~To afford users of the turnpike system a reasonable choice of motor fuels of different brands:~~

1. ~~No person shall operate more than 50 percent of the service stations on the turnpike system.~~

2. ~~No single brand of motor fuel, identified by the trademarks, trade names, or brands of any one supplier, distributor, or retailer of such fuel, shall be sold at more than 50 percent of the service stations on the turnpike system or at more than one service station at the same service plaza.~~

Section 36. Section 338.244, Florida Statutes, is repealed.

Section 37. Subsections (4), (7), and (9) of section 338.251, Florida Statutes, are amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or, at the discretion of the governmental entity of the facility, repayment shall begin no later than 7 years after the date of the advance, provided repayment shall be completed no later than 12 years after the date of the advance. However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the time period referred to above, a schedule of such repayment shall be submitted to the department. ~~All repayments by local governmental entities shall include interest charged at the average annual compound rate earned by the state treasury in the year preceding the advance of funds.~~

(7) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of \$5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. ~~All repayments by local governmental entities shall include interest charged at the average annual compound rate earned by the state treasury in the year preceding the advance of funds.~~ Any advance under this provision shall require specific appropriation by the Legislature.

(9) ~~Repayment of funds advanced, including advances made prior to January 1, 1994, shall not include interest. For projects assumed by the department where funds have been advanced pursuant to this section, repayment of the advanced funds by the department shall not include interest.~~ However, interest accruing to local governmental entities from the investment of advances shall be paid to the department.

Section 38. Section 339.145, Florida Statutes, is amended to read:

339.145 Working Capital Trust Fund; expenditure of such funds.—

(1) There is created a Working Capital Trust Fund, into which fund shall be deposited an amount deemed necessary by the department and approved by the Executive Office of the Governor for the efficient operation of the department. Such amount may be obtained from any trust fund or funds under the control and custody of the department. The moneys in the Working Capital Trust Fund may be used to pay any and all bills of the department; however, in the succeeding month, moneys in each the appropriate trust fund shall be transferred to reimburse the Working Capital Trust Fund to reimburse the Working Capital Trust Fund for all expenditures properly attributable to such reimbursing trust fund.

(2) The department is authorized to use a single cash control for the fund charges for other budget entities on a unit cost basis for services rendered by the Burns Data Center budget entity. The department shall maintain adequate internal records to record these charges and reflect these as commitments on a quarterly funding matrix report to be submitted to the Executive Office of the Governor no later than 20 calendar days after the close of each calendar quarter. In addition, the appropriation category entitled "Data Processing Services" shall continue to be reflected in the legislative budget system as a specific appropriation.

Section 39. Paragraph (b) of subsection (6) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—The department shall develop and annually update a statewide comprehensive transportation plan, to be known as the Florida Transportation Plan. The plan shall be designed so as to be easily read and understood by the general public.

(6) PROCEDURES FOR PUBLIC PARTICIPATION IN TRANSPORTATION PLANNING.—

(b) During development of major transportation improvements, such as those increasing the capacity of a facility through the addition of new lanes or providing new access to a limited or controlled access facility or construction of a facility in a new location specific project plans, the department shall hold one or more hearings prior to the selection of the facility to be provided; prior to the selection of the site or corridor of the proposed facility; and prior to the selection of and commitment to a specific design proposal for the proposed facility. Such public hearings shall be conducted so as to provide an opportunity for effective participation by interested persons in the process of transportation planning and site and route selection and in the specific location and design of transportation facilities. The various factors involved in the decision or decisions and any alternative proposals shall be clearly presented so that the persons attending the hearing may present their views relating to the decision or decisions which will be made.

Section 40. Notwithstanding the provisions of section 56 of chapter 90-136, Laws of Florida, as amended by section 56 of chapter 93-164, Laws of Florida, the recommendations of the Florida Transportation Commission to implement the functional classification system shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 1994.

Section 41. Paragraphs (b) and (c) of subsection (6) of section 341.052, Florida Statutes, are amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(6) The department shall distribute 85 percent of the public transit block grant funds to "Section 9" and "Section 18" providers designated by the United States Department of Transportation. The funds shall be distributed to "Section 9" providers, and to "Section 18" providers that are not designated as community transportation coordinators pursuant to chapter 427, according to the following formula, except that at least \$20,000 shall be distributed to each eligible provider if application of the formula provides less than that amount for any such provider:

(b) One-third shall be distributed according to the percentage that the total revenue miles provided by an eligible provider, as verified by the most recent "Section 15" report to the Federal Transit Urban Mass Transportation Administration or a similar audited report submitted to the department, is of the total revenue miles provided by eligible providers in the state in that year.

(c) One-third shall be distributed according to the percentage that the total passengers carried by an eligible provider, as verified by the most recent "Section 15" report submitted to the Federal Transit Urban Mass Transportation Administration or a similar audited report submitted to the department, is of the total number of passengers carried by eligible providers in the state in that year.

Section 42. Subsection (4) of section 343.72, Florida Statutes, is amended to read:

343.72 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(4) "Commuter rail facilities" means property and avenues of access in Hillsborough, Pinellas, and Pasco Counties, required for the commuter rail or fixed-guideway systems.

Section 43. Subsection (2) of section 343.73, Florida Statutes, is amended to read:

343.73 Tampa Bay Commuter Rail Authority.—

(2) The governing board of the authority shall consist of the following eight voting members:

(a) The metropolitan planning organizations of Hernando, Hillsborough, Pasco, Pinellas, and Polk and Pasco Counties shall each elect a member as its their representative on the board. The member must be an elected official and a member of the respective metropolitan planning organization when elected and for the full extent of his term on the board.

(b) The county commissions of those Hillsborough, Pinellas, and Pasco counties shall each appoint a citizen member to the board who is not a member of the county commissioner commission but who is a resident of the county from which he is appointed and a qualified elector of that county. Insofar as is practicable, the citizen member shall represent the business and civic interests of the community.

(c) The Secretary of Transportation shall appoint as a member of the board the district secretary, or his designee, for each the district within which the five counties area served by the Tampa Bay Commuter Rail authority is located.

(d) The local transit authority in each of the five counties member county shall elect one member who shall serve as an ex officio nonvoting member of the board a member of the authority.

(e) The Governor shall appoint one member to the board who is a resident and a qualified elector in the area served by the Tampa Bay Commuter Rail authority.

Section 44. Paragraph (a) of subsection (1) of section 343.74, Florida Statutes, is amended to read:

343.74 Powers and duties.—

(1)(a) The authority created and established by s. 343.73 has this part shall have the right to own, operate, maintain, and manage a commuter rail system and commuter ferry system in Hernando the Tampa Bay area of Pinellas, Hillsborough, Pasco, Pinellas, and Polk and Pasco Counties.

Section 45. Section 348.7544, Florida Statutes, is amended to read:

348.7544 Northwest Beltway Part A, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Expressway Authority is hereby authorized to construct, finance, operate, and maintain that portion of the Western Beltway known as the Northwest Beltway Part A, extending from Florida's Turnpike near Ocoee north to U.S. 441 near Apopka, as part of the authority's 20-year capital projects plan. This project may shall be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority or the Division of Bond Finance of the Department of Management General Services on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83. Notwithstanding s. 338.2275, any portion of the Western Beltway financed by Orlando-Orange County Expressway Authority revenue bonds shall not be a part of the Florida Turnpike.

Section 46. Section 348.7545, Florida Statutes, is created to read:

348.7545 Western Beltway Part C, construction authorized; financing.—Notwithstanding s. 338.2275, the Orlando-Orange County Express-

way Authority is authorized to construct, finance, operate, and maintain that portion of the Western Beltway known as the Western Beltway Part C, extending from Florida's Turnpike near Ocoee in Orange County southerly through Orange and Osceola counties to an interchange with I-4 near the Osceola-Polk County line, as part of the authority's 20-year capital projects plan. This project may be financed with any funds available to the authority for such purpose or revenue bonds issued by the authority or the Division of Bond Finance of the Department of Management Services on behalf of the authority pursuant to s. 11, Art. VII of the State Constitution and the State Bond Act, ss. 215.57-215.83.

Section 47. Section 479.01, Florida Statutes, is amended to read:

479.01 Definitions.—As used in this chapter, the term:

(1) *"Automatic changeable facing" means a facing that, through a mechanical system, can deliver two or more advertising messages and does not rotate so rapidly as to cause distraction to a motorist.*

(2)(1) *"Business of outdoor advertising" means the business of constructing, erecting, operating, using, maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements.*

(3)(2) *"Commercial or industrial zone" means an area within 660 feet of the nearest edge of the right-of-way of the interstate or federal-aid primary system designated predominantly ~~zoned~~ for commercial or industrial use under the future land use map of the comprehensive plan adopted under chapter 163 authority of state law. Where a local governmental entity has not enacted a comprehensive plan by local ordinance but has zoning regulations governing the area, the zoning of an area determines whether the area is designated predominantly for commercial or industrial use.*

(4)(3) *"Controlled area" means ~~shall mean~~ 660 feet or less from the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system and beyond 660 feet of the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary system outside an urban area.*

(5)(4) *"Department" means the Department of Transportation.*

(6)(5) *"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but the term ~~it~~ does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.*

(7)(6) *"Federal-aid primary highway system" means the existing, unbuilt, or unopened system of highways or portions thereof, which includes ~~shall include~~ the National Highway System, designated as the federal-aid primary highway system by the department.*

(8)(7) *"Highway" means any road, street, or other way open or intended to be opened to the public for travel by motor vehicles.*

(9)(8) *"Interstate highway system" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the national system of interstate and defense highways by the department.*

(10)(9) *"Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.*

(11)(10) *"Maintain" means to allow to exist.*

(12)(11) *"Motorist services directional signs" means signs providing directional information about goods and services in the interest of the traveling public ~~which where~~ such signs were lawfully erected and in existence on or before May 6, 1976, and continue to provide directional information to goods and services in a defined area.*

(13)(12) *"New highway" means the construction of any road, paved or unpaved, where no road previously existed or the act of paving any previously unpaved road.*

(14)(13) *"Nonconforming sign" means a sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of state or local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with state or local law, rule, regulation, or ordinance due to changed conditions.*

(15)(14) *"Premises" means all the land that is under ownership or lease arrangement to the sign owner and is contiguous to the real property on which the advertised activity is conducted. The term does not include land for which the only viable use is to erect or maintain an advertising sign and which is either a narrow strip of land contiguous to the advertised activity or is connected by a narrow strip of land to the real property on which the advertised activity is conducted ~~an area of land occupied by the buildings or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.~~*

(16) *"Remove" means to disassemble, transport from the site, and dispose of sign materials by sale or destruction.*

(17)(15) *"Sign" means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, ~~or~~ double-faced display, or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the department.*

(18)(16) *"Sign direction" means that direction from which the message or informative contents are most visible to oncoming traffic on the main-traveled way.*

(19)(17) *"Sign face" means the part of the sign, including trim and background, which contains the message or informative contents.*

(20)(18) *"Sign facing" includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction.*

(21)(19) *"Sign structure" means all the interrelated parts and material, such as beams, poles, and stringers, which are constructed for the purpose of supporting or displaying a message or informative contents.*

(22)(20) *"State Highway System" means the existing, unbuilt, or unopened system of highways or portions thereof designated as the State Highway System by the department.*

(23)(21) *"Unzoned commercial or industrial area" means an area within 660 feet of the nearest edge of the right-of-way of the interstate or federal-aid primary system ~~where the land use is not covered by a future land use map or zoning regulation under subsection (3) not zoned by state or local law, regulation, or ordinance~~, in which there are located three or more separate and distinct industrial or commercial uses located within a 1,600-foot radius of each other and generally recognized as commercial or industrial by zoning authorities in this state. Certain activities, including, but not limited to, the following, may not be so recognized:*

(a) Signs.

(b) Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands.

(c) Transient or temporary activities.

(d) Activities not visible from the main-traveled way.

(e) Activities conducted more than 660 feet from the nearest edge of the right-of-way.

(f) Activities conducted in a building principally used as a residence.

(g) Railroad tracks and minor sidings.

(24)(22) *"Urban area" has the same meaning as defined in s. 334.03(32).*

(25)(23) *"Visible commercial or industrial activity" means a commercial or industrial activity that is capable of being seen without visual aid by a person of normal visual acuity from the main-traveled way and that is generally recognizable as commercial or industrial.*

(26)(24) *"Visible sign" means a sign, whether or not legible, that bears an ~~that the~~ advertising message or informative contents that can be of a sign, whether or not legible, is capable of being seen without visual aid by a person of normal visual acuity.*

Section 48. Section 479.02, Florida Statutes, is amended to read:

479.02 Duties of the department.—It shall be the duty of the department to:

(1) Administer and enforce the provisions of this chapter and the agreement between the state and the United States Department of Transportation relating to the size, lighting, and spacing of signs in accordance with Title I of the Highway Beautification Act of 1965 and Title 23, United States Code, and federal regulations in effect as of the effective date of this act;

(2) Regulate size, height, lighting, and spacing of signs permitted in zoned and unzoned commercial areas and zoned and unzoned industrial areas on the interstate highway system and the federal-aid primary highway system;

(3) Determine unzoned commercial areas and unzoned industrial areas;

(4) Implement a specific information panel program on the interstate highway system ~~and the federal-aid primary highway system~~ to promote tourist-oriented businesses by providing directional information safely and aesthetically;

(5) Implement a rest area information panel or devices program at rest areas along the interstate highway system and the federal-aid primary highway system to promote tourist-oriented businesses;

(6) Test and, if economically feasible, implement alternative methods of providing information in the specific interest of the traveling public which allow the traveling public freedom of choice, conserve natural beauty, and present information safely and aesthetically; and

(7) Adopt such rules as it deems necessary or proper for the administration of this chapter, including rules which identify activities that may not be recognized as industrial or commercial activities for purposes of determination of an area as an unzoned commercial or industrial area.

Section 49. Section 479.03, Florida Statutes, is amended to read:

479.03 Jurisdiction of the Department of Transportation.—The territory under the jurisdiction of the department for the purpose of this chapter shall include all the state. ~~Employees, agents, or independent contractors working for~~

(1) ~~The department, in the performance of their functions and duties under the provisions of this chapter,~~ may enter into and upon any land upon which a sign is displayed, is proposed to be erected, or is being erected and make such inspections, surveys, and removals as are necessary ~~may be relevant~~.

(2) *The department may enter upon any land as necessary to remove an illegal outdoor advertising sign; however, the department may enter upon private property held by someone other than the sign owner only if no other legal and economically feasible means of entry to the sign site is reasonably available. Before entering upon such private property, the department must receive the consent of the landowner, operator or person in charge or appropriate inspection warrant issued by a judge of any county court or circuit court of this state which has jurisdiction of the place or thing to be removed. Except as otherwise provided by this chapter, the department must repair any physical damage caused to the property or replace any property that is destroyed as a result of the department's entry upon the private property.*

Section 50. Subsection (1) of section 479.04, Florida Statutes, is amended to read:

479.04 Business of outdoor advertising; license requirement; renewal; fees.—

(1) ~~A No person may not shall~~ engage in the business of outdoor advertising in this state ~~outside an incorporated area~~ without first obtaining a license therefor from the department. Such license shall be renewed annually. The fee for such license, and for each annual renewal, is \$300. License renewal fees shall be payable as provided for in s. 479.07(8) ~~& 479.07(5)~~.

Section 51. Subsection (8) and paragraph (c) of subsection (9) of section 479.07, Florida Statutes, are amended to read:

479.07 Sign permits.—

(8)(a) All licenses and permits expire annually on January 15, and all license and permit renewal fees are required to be submitted to the department by no later than January 15. On or before ~~October November~~ 1 of each year, the department shall send to each permittee a notice of fees due for all permits which were issued to him prior to September 30. Such notice shall list the permits and the permit fees due for each sign facing. The permittee shall, no later than ~~December January~~ 1 of each year, advise the department of any additions, deletions, or errors contained in the notice. Permit tags ~~that which~~ are not renewed ~~must shall~~ be returned to the department for cancellation by January 15. ~~Permits Permit tags~~ which are not renewed ~~or are canceled shall be certified in writing at that time as canceled or not renewed by the permittee, and permit tags for such permits shall be or returned to the department or shall be accounted for by the permittee in writing, which writing shall be submitted with the renewal fee payment or the cancellation certification. However, failure of a permittee to submit a permit cancellation shall not affect the nonrenewal of a permit. Prior to cancellation of a permit, the permittee shall provide written notice to all persons or entities having a right to advertise on the sign that the permittee intends to cancel the permit.~~

(b) If a permittee has not submitted his fee payment by January 15, the department ~~must shall~~, no later than February 1, send a notice of violation to the permittee, requiring the payment of the permit fee within 30 days after the date of the notice and payment of a delinquency fee equal to 10 percent of the original amount due or, in the alternative to these payments, requiring the filing of a request for an administrative hearing to show cause why his sign should not be subject to immediate removal due to the expiration of his license or permit. If the permittee submits payment as required by the violation notice, his license or permit will be automatically reinstated and such reinstatement will be retroactive to January 15th. If the permittee does not respond to the notice of violation within the 30-day period, the department ~~must shall~~ remove the sign without further notice and without incurring any liability as a result of such removal. *If a permittee shows that a permit was canceled a result of an error on the part of the permittee and such error has resulted in undue hardship to a person or entity having a right to advertise on the sign as evidenced by a written agreement with the permittee, the permit may be reinstated by the department provided that the sign has not yet been disassembled by the permittee; conflicting applications have not yet been filed by other persons; the permittee submits a permit reinstatement penalty fee to the department in the amount of \$100 in addition to all other renewal and delinquency fees due as of the reinstatement date; and the permittee reimburses the department for all actual costs resulting from the permit cancellation and sign removal.*

(c) *The cost for removing a sign, whether by the department or an independent contractor, shall be assessed by the department against the permittee.*

(9)

(c) Nothing in this subsection shall be construed so as to cause a sign that was ~~which is~~ conforming on October 1, 1984 ~~the effective date of this act~~ to become nonconforming.

Section 52. Section 479.08, Florida Statutes, is amended to read:

479.08 Denial or revocation of permit.—The department has the authority to deny or revoke any permit requested or granted under this chapter in any case in which it determines that the application for the permit contains knowingly false or misleading information or that the permittee has violated any of the provisions of this chapter, unless such permittee, within 30 days after the receipt of notice by the department, corrects such false or misleading information and complies with the provisions of this chapter. Any person aggrieved by any action of the department in denying or revoking a permit under this chapter may, within 30 days after receipt of the notice, apply to the department for an administrative hearing pursuant to chapter 120. *If a timely request for hearing has been filed and the department issues a final order revoking a permit, the revocation is effective 30 days after the date of rendition. Except for department action under s. 479.107(1), the filing of a timely and proper notice of appeal operates to stay the revocation until the department's action is upheld.*

Section 53. Subsections (1) and (2) of section 479.107, Florida Statutes, are amended to read:

479.107 Signs on highway rights-of-way; removal.—

(1) Any sign located on the right-of-way of a highway on the State Highway System or on any portion of the interstate or federal-aid primary highway system which is in violation of s. 479.11(8) may be removed by the department as provided in this section. However, a permittee of a sign which is located on the right-of-way in violation of s. 479.11(8) and for which sign a permit has been issued under the provisions of this chapter must be given notice in accordance with s. 479.08. Upon a determination by the department that a sign is in violation of s. 479.11(8), the department shall prominently post on the sign structure in a manner that is visible from the main-traveled way face a notice stating that the sign is illegal and must be permanently removed from the right-of-way within 10 working days after the posting of the notice. However, if the sign bears the name of the licensee or the name and address of the nonlicensed sign owner, the department shall, concurrently with and in addition to posting the notice on the sign, provide written notice to the owner, stating that the sign is illegal and must be permanently removed from the right-of-way within the 10-day period specified on the posted notice and that the owner has a right to request a hearing, which request must be filed with the department within 30 days after the date of the notice. However, the request for a hearing will not stay the removal of the sign. If, pursuant to the notice provided, the sign is not removed from the right-of-way by the owner within the prescribed period, then the department shall immediately remove the sign without further notice.

(2) Notwithstanding the provisions of subsection (1), the department is authorized to remove, without notice, any sign on the right-of-way which it determines to be a safety hazard to the traveling public or any unpermitted sign on the right-of-way.

Section 54. Subsection (5) of section 479.11, Florida Statutes, is amended to read:

479.11 Specified signs prohibited.—No sign shall be erected, used, operated, or maintained:

(5) Which displays intermittent lights not embodied in the sign, or any rotating or flashing light within 100 feet of the outside boundary of the right-of-way of any highway on the State Highway System, interstate highway system, or federal-aid primary highway system. Prior to July 1, 1994, the department shall initiate rulemaking to prohibit signs which are illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists so as to interfere with the motorists' ability to safely operate his vehicle. If the sign is on the premises of an establishment as provided in s. 479.16(1), the local government authority with jurisdiction over the location of the sign shall enforce the provisions of this section and the department's rules adopted pursuant to this section, as provided in chapter 162, and this section.

Section 55. Section 479.125, Florida Statutes, is created to read:

479.125 Display of certain signs prohibited; department to adopt rules; time period.—

(1) The department is hereby directed to provide by rule for the prohibition of signs which are driven by computer in such a fashion that the sign can be programmed to display various messages from a bank of lights which are displayed on the roads or highways of the state. The rules shall provide for the prohibition of only those signs which are illuminated in such a manner as to pose a danger to motorists by temporarily blinding or otherwise distracting the motorist so as to interfere with the motorist's ability to operate his vehicle.

(2) The department shall adopt the rules required by this section within 90 days after the date this section becomes effective.

Section 56. Section 479.14, Florida Statutes, is amended to read:

479.14 Disposition of fees.—All moneys received by the department under the provisions of this chapter shall be paid by it into the State Treasury and placed in the State Transportation Trust Fund for use in the administration of ss. 479.015-479.24, which regulate outdoor advertising signs this chapter. Any projected balance not allocated to cover the cost of the administration of this chapter shall be matched on a 50-percent basis by other funds in the State Transportation Trust Fund for the purpose of removing signs as provided for in s. 479.24.

Section 57. Subsection (2) of section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

(2) A Ne municipality, county, local zoning authority, or other local government entity may not political subdivision shall remove, or cause to be removed, any lawfully erected lawful nonconforming sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for the removal. A local governmental entity may not cause in any way the alteration of any lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local government entity promulgating requirements for such alteration must be responsible for payment of just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection applies only to a lawfully erected lawful nonconforming sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. This subsection shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.

Section 58. Subsection (1) of section 479.16, Florida Statutes, is amended to read:

479.16 Signs for which permits are not required.—The following signs are exempt from the requirement that a permit for a sign be obtained under the provisions of this chapter but are required to comply with the provisions of s. 479.11(4)-(8):

(1) Signs erected on the premises of an establishment, which signs consist primarily of the name of the establishment or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment and which comply with the lighting restrictions under department rule adopted pursuant to s. 479.11(5) meet the minimum requirements of the Southern Building Code. If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt under this subsection.

Section 59. Section 479.24, Florida Statutes, is amended to read:

479.24 Compensation for removal of signs; eminent domain; exceptions.—

(1) Just compensation shall be paid by the department upon the department's removal of a lawful nonconforming sign along any portion of the interstate or federal-aid primary highway system. This section does not apply to a sign that which is illegal at the time of its removal. A sign will lose its nonconforming status and become illegal at such time as it fails to be permitted or maintained in accordance with all applicable laws, rules, ordinances, or regulations other than the provision that which makes it nonconforming. A legal nonconforming sign under state law or rule will not lose its nonconforming status solely because it additionally becomes nonconforming under an ordinance or regulation of a local governmental entity passed at a later date. The department shall make every reasonable effort to negotiate the purchase of the signs to avoid litigation and congestion in the courts.

(2)(a) Consistent with an orderly and equitable program, the department shall identify and prioritize, by January 1, 1985, specific geographic areas within which nonconforming signs shall be removed on a voluntary basis for the purpose of establishing and protecting scenic areas along the interstate highway system and the federal aid primary highway system. The department shall also seek federal matching funds and match any such funds on a 25-percent basis with funds from the State Transportation Trust Fund for the removal of nonconforming signs on a route-by-route basis.

(b) The department is not required to remove any sign under this section if the federal share of the just compensation to be paid upon removal of the sign is not available to make such payment, unless an appropriation by the Legislature for such purpose is made to the department.

(3)(a) The department is authorized to use the power of eminent domain when necessary to carry out the provisions of this chapter.

(b) If eminent domain procedures are instituted, just compensation shall be made pursuant to the state's eminent domain procedures, chapters 73 and 74.

Section 60. Subsection (1) of section 479.26, Florida Statutes, is amended to read:

479.26 Specific information panel program; individual business signs.—

(1) The department shall implement a specific information panel program in the rights-of-way of the interstate highway system ~~and the federal-aid primary highway system~~ to present information in the specific interest of the traveling public and to promote tourist-oriented businesses. Signs erected pursuant to this section along the interstate highway system ~~and the federal-aid primary highway system~~ must conform to ss. 131 and 315 of Title 23, United States Code, and related federal regulations. For the purposes of this section, the department may seek waivers from the United States Department of Transportation to permit the signs of any type of tourist-oriented business which may not be specifically allowed under federal law and regulations.

Section 61. Sections 7 and 8 of chapter 93-164, Laws of Florida, are amended to read:

Section 7. *The Department of Florida Transportation Commission* shall review the program objectives contained in s. 334.046, Florida Statutes, and shall, by ~~September 30, 1994~~ ~~December 15, 1993~~, make recommendations to the *Florida Transportation Commission* regarding the ~~revisions to the aforementioned section that would enable the department to effectively legislative transportation committees outlining proposals for new program objectives that implement the intermodal emphasis encouraged by the Intermodal Surface Transportation Efficiency Act of 1991. The Florida Transportation Commission shall, by November 15, 1994, review the new program objectives and make recommendations regarding their enactment to the legislative transportation committees.~~

Section 8. Section 334.046, Florida Statutes, as amended by chapter 92-152, Laws of Florida, is repealed effective ~~June 30, 1995~~ ~~January 1, 1995~~, and shall be reviewed by the Legislature prior to that date.

Section 62. Except as otherwise provided in this act, this act shall take effect July 1, 1994.

And the title is amended as follows:

In title, on page 6, line 16, strike everything before the enacting clause and insert: An act relating to transportation; amending s. 20.23, F.S.; establishing the Florida Turnpike as the eighth district of the Department of Transportation; amending s. 125.01, F.S.; providing that the governing body of a county may regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; amending s. 253.034, F.S.; providing for an easement to be granted in perpetuity for certain transportation facilities; amending s. 311.07, F.S.; eliminating the designated program account of the Florida Seaport Transportation and Economic Development Program; authorizing funds to be expended for the acquisition of economic benefit and trade data; amending s. 311.09, F.S.; adding members to the Florida Seaport Transportation and Economic Development Council; eliminating the references to the designated program account of the Florida Seaport Transportation and Economic Development Program; updating a reference to the name of the program; amending s. 322.53, F.S.; providing an additional exemption from the requirement of obtaining a commercial driver's license; amending s. 325.213, F.S.; providing for motor vehicle self inspection licensing to specified local government agencies; amending s. 330.30, F.S.; extending the expiration date of licenses for certain private and limited airports; amending s. 332.004, F.S.; revising the definition of "airport or aviation development project"; amending s. 332.006, F.S.; revising the state aviation system plan specifications; amending s. 332.007, F.S.; prohibiting retroactive reimbursement by the Department of Transportation for certain airport land acquisition before the execution of certain documents; amending s. 334.03, F.S.; revising the definition of the "Florida Intrastate Highway System;" amending s. 335.093, F.S., relating to scenic highway designation; providing that such a designation is not intended to limit specified uses of adjacent areas; amending s. 336.025, F.S.; requiring periodic review of any interlocal agreement which provides the method of distribution of motor fuel and special fuel taxes; amending s. 337.015, F.S.; providing flexible start and finish times for construction projects; amending s. 337.11, F.S.; authorizing the secretary to waive competitive bidding provisions to issue limited, interim maintenance contracts; amending s. 337.16, F.S.; requiring the department to notify a contractor that he is disqualified from bidding on other state contracts until he complies with an existing contract; amending s. 337.18, F.S.; revising the provisions that require the department to assess damages each day against

a contractor who fails to complete a state or federally funded project within the required time period; amending s. 337.19, F.S.; providing for suits to be brought in the county of the department's district office; amending s. 337.221, F.S.; providing that the failure to resolve a claim within 45 days constitutes a denial; amending s. 337.25, F.S.; providing for federally owned properties to be eligible for participation in the functionally equivalent replacement facility program; authorizing the department to sell certain surplus property valued at less than \$10,000 by sealed competitive bid to the highest bidder without an appraisal; deleting the provision for payment of appraisal costs by potential purchasers; permitting the department to negotiate a sale of surplus property with an owner of abutting property if the department provides notice to all owners of abutting property; amending s. 337.276, F.S.; authorizing the issuance of bonds for right-of-way acquisition for revenue-producing facilities; providing for reimbursement of the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending ss. 337.401, 337.402, and 337.403, F.S.; making provisions relating to utilities on or along public road rights-of-way applicable to public rail corridors; amending s. 337.405, F.S.; making provisions relating to trees and vegetation within public road rights-of-way applicable to public rail corridors; amending s. 337.407, F.S.; authorizing a county to remove signs from the right-of-way of the county road system; providing an allowable size for a transit bus bench in place on January 1, 1994; amending s. 337.408, F.S.; providing an allowable size for a bus bench in place on January 1, 1994; amending s. 338.001, F.S.; revising language with respect to the Florida Intrastate Highway System; amending s. 338.065, F.S.; deleting a reference to certain types of signs for which the Department of Transportation may charge a placement fee; amending s. 338.155, F.S.; exempting drivers of motor vehicles of the Florida National Guard and exempting sworn law enforcement officers who are driving marked motor vehicles and on official business from paying tolls at toll facilities; authorizing the department to suspend the collection of tolls during emergency evacuations; amending s. 338.223, F.S.; providing that, under certain circumstances, federal or state funds allocated to turnpike projects do not have to be reimbursed to the State Transportation Trust Fund; amending s. 338.2275, F.S.; renaming the North Suncoast Corridor Project and describing the project; deleting the maximum expenditures allocated for approved turnpike projects; amending s. 338.234, F.S.; authorizing concessions, services, and public events at turnpike plazas; amending s. 338.235, F.S.; authorizing the department to contract for concessions or services on the turnpike; repealing s. 338.244, F.S., which prohibits certain expenditures to advertise the turnpike system; amending s. 338.251, F.S.; deleting the requirement that local government repayment to the Toll Facilities Revolving Trust Fund include interest; amending s. 339.145, F.S.; deleting a budget appropriation category for the services provided by the Burns Data Center; amending s. 339.155, F.S.; revising language with respect to public participation in transportation projects; delaying the due date for recommendations of the Florida Transportation Commission related to the functional class system developed pursuant to chapter 90-136, Laws of Florida; amending s. 341.052, F.S.; revising a reference to a report to the Urban Mass Transportation Administration; amending s. 343.72, F.S.; redefining the term "commuter rail facilities" for the purposes of the Tampa Bay Commuter Rail Authority Act; amending s. 343.73, F.S.; adding members to the governing board of the authority; amending s. 343.74, F.S.; expanding the area in which the Tampa Bay Commuter Rail Authority may operate to include Hernando County and Polk County; amending s. 348.7544, F.S.; providing authority for the Orlando-Orange County Expressway Authority to finance, operate, and maintain the Northwest Beltway Part A; creating s. 348.7545, F.S.; authorizing the Orlando-Orange County Expressway Authority to construct, finance, operate, and maintain the Western Beltway Part C; amending s. 479.01, F.S.; providing definitions; amending s. 479.02, F.S.; deleting a reference to the federal-aid primary highway system with respect to the specific information panel program; amending s. 479.03, F.S.; authorizing the department to cross private property in order to remove illegal signs under specified conditions; amending s. 479.04, F.S.; requiring a person engaged in the business of outdoor advertising to obtain a license and deleting an exception; amending s. 479.07, F.S.; amending deadlines relating to sign permits; requiring the permittee to provide the department with a written notice of cancellation; imposing penalties upon a permittee for reinstating a permit that was cancelled because of the permittee's error; amending s. 479.08, F.S.; providing for the date on which a permit revocation ordered by the Department of Transportation is effective; providing for an appeal and a stay of revocation; amending s. 479.107, F.S.; authorizing the department to immediately remove any unauthorized sign on the rights-of-way of certain state or federal highways; amending s. 479.11, F.S.; requiring the adoption of

rules prohibiting the display of certain signs and providing for local government enforcement; amending s. 479.125, F.S.; prohibiting the display of certain signs; providing for rules and a time period; amending s. 479.14, F.S.; amending the disposition of fees received under ch. 479, F.S.; amending s. 479.15, F.S.; prohibiting local governments from removing or altering certain signs without first paying just compensation; amending s. 479.16, F.S.; requiring compliance with certain lighting requirements; amending s. 479.24, F.S.; providing for the department to pay just compensation upon removing certain lawful nonconforming signs; amending s. 479.26, F.S.; limiting the specific information panel program to the interstate highway system; amending s. 7 and s. 8 of ch. 93-164, Laws of Florida; requiring the department to make recommendations to the Florida Transportation Commission; changing a repeal date; providing an effective date.

On motion by Senator Hargrett, further consideration of **CS for SB 2156** with pending **Amendment 1** was deferred.

Consideration of **CS for SB 2038** was deferred.

CS for SB 2740—A bill to be entitled An act relating to long-term care; creating the "Commission on Long-Term Care in Florida Act"; providing purposes; creating the Commission on Long-Term Care in Florida; providing qualifications for membership on the commission; providing for selecting officers; providing for commission meetings, for the administration of the commission, and for commission staff and expenses; providing powers and duties of the commission; providing for commission access to records; providing restrictions on access; requiring reports to the Legislature; providing for future review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote **CS for SB 2740** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Senate resumed consideration of—

CS for SB 2156—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; establishing the Florida Turnpike as the eighth district of the Department of Transportation; amending s. 253.034, F.S.; providing for an easement to be granted in perpetuity for certain transportation facilities; amending s. 311.07, F.S.; eliminating the designated program account of the Florida Seaport Transportation and Economic Development Program; authorizing funds to be expended for the acquisition of economic benefit and trade data; amending s. 311.09, F.S.; adding members to the Florida Seaport Transportation and Economic Development Council; eliminating the references to the designated program account of the Florida Seaport Transportation and Economic Development Program; updating a reference to the name of the program; amending s. 316.545, F.S.; providing penalties for operating a commercial motor vehicle without a valid registration; providing penalties for operating a commercial motor vehicle with an excess axle weight or an excess gross vehicle weight; providing procedures for enforcing such penalties; amending s. 316.550, F.S.; providing for a truck crane operated under a special permit to be taxed under s. 320.08(5)(b), F.S.; amending s. 330.30, F.S.; extending the expiration date of licenses for certain private and limited airports; amending s. 332.004, F.S.; revising the definition of "airport or aviation development project"; amending s. 332.006, F.S.; revising the state aviation system plan specifications; amending s. 332.007, F.S.; prohibiting retroactive reimbursement by the Department of Transportation for certain airport land acquisition before the execution of certain documents; amending s. 335.093, F.S., relating to scenic highway designation; providing that such a designation is not intended to limit specified uses of adjacent areas; amending s. 336.025, F.S.; requiring periodic review of any interlocal agreement which provides the method of distribution of motor fuel and special fuel taxes; amending s. 337.015, F.S.; providing flexible start and finish times for construction projects; amending s. 337.11, F.S.; authorizing the secretary to waive competitive bidding provisions to issue limited, interim maintenance contracts; amending s. 337.16, F.S.; requiring the department to notify a contractor that he is disqualified from bidding on other state contracts until he complies with an existing contract; amending s. 337.18, F.S.; revising the provisions that

require the department to assess damages each day against a contractor who fails to complete a state or federally funded project within the required time period; amending s. 337.25, F.S.; providing for federally owned properties to be eligible for participation in the functionally equivalent replacement facility program; authorizing the department to sell certain surplus property valued at less than \$10,000 by sealed competitive bid to the highest bidder without an appraisal; deleting the provision for payment of appraisal costs by potential purchasers; permitting the department to negotiate a sale of surplus property with an owner of abutting property if the department provides notice to all owners of abutting property; amending s. 337.276, F.S.; authorizing the issuance of bonds for right-of-way acquisition for revenue-producing facilities; providing for reimbursement of the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 337.407, F.S.; authorizing a county to remove signs from the right-of-way of the county road system; amending s. 338.065, F.S.; deleting a reference to certain types of signs for which the Department of Transportation may charge a placement fee; amending s. 338.155, F.S.; exempting drivers of motor vehicles of the Florida National Guard and exempting sworn law enforcement officers who are driving marked motor vehicles and on official business from paying tolls at toll facilities; authorizing the department to suspend the collection of tolls during emergency evacuations; amending s. 338.223, F.S.; providing that, under certain circumstances, funds allocated to turnpike projects do not have to be reimbursed to the State Transportation Trust Fund; amending s. 338.2275, F.S.; renaming the North Suncoast Corridor Project and describing the project; deleting the maximum expenditures allocated for approved turnpike projects; amending s. 338.234, F.S.; authorizing concessions, services, and public events at turnpike plazas; amending s. 338.235, F.S.; authorizing the department to contract for concessions or services on the turnpike; repealing s. 338.244, F.S., which prohibits certain expenditures to advertise the turnpike system; amending s. 338.251, F.S.; deleting the requirement that local government repayment to the Toll Facilities Revolving Trust Fund include interest; amending s. 339.145, F.S.; deleting a budget appropriation category for the services provided by the Burns Data Center; amending s. 341.052, F.S.; revising a reference to a report to the Urban Mass Transportation Administration; amending s. 343.72, F.S.; redefining the term "commuter rail facilities" for the purposes of the Tampa Bay Commuter Rail Authority Act; amending s. 343.73, F.S.; adding members to the governing board of the authority; amending s. 343.74, F.S.; expanding the area in which the Tampa Bay Commuter Rail Authority may operate to include Hernando County and Polk County; amending s. 348.7544, F.S.; providing authority for the Orlando-Orange County Expressway Authority to finance, operate, and maintain the Northwest Beltway Part A; creating s. 348.7545, F.S.; authorizing the Orlando-Orange County Expressway Authority to construct, finance, operate, and maintain the Western Beltway Part C; amending s. 479.01, F.S.; providing definitions; amending s. 479.03, F.S.; authorizing the department to cross private property in order to remove illegal signs under specified conditions; amending s. 479.04, F.S.; requiring a person engaged in the business of outdoor advertising to obtain a license and deleting an exception; amending s. 479.07, F.S.; amending deadlines relating to sign permits; requiring the permittee to provide the department with a written notice of cancellation; imposing penalties upon a permittee for reinstating a permit that was cancelled because of the permittee's error; amending s. 479.08, F.S.; providing for the date on which a permit revocation ordered by the Department of Transportation is effective; providing for an appeal and a stay of revocation; amending s. 479.107, F.S.; authorizing the department to immediately remove any unauthorized sign on the rights-of-way of certain state or federal highways; amending s. 479.14, F.S.; amending the disposition of fees received under ch. 479, F.S.; amending s. 479.15, F.S.; prohibiting local governments from removing or altering certain signs without first paying just compensation; amending s. 479.24, F.S.; providing for the department to pay just compensation upon removing certain lawful nonconforming signs; amending s. 479.26, F.S.; limiting the specific information panel program to the interstate highway system; amending s. 479.11, F.S.; providing an exemption authorizing certain signs on new highways; amending s. 7 and s. 8 of ch. 93-164, Laws of Florida; requiring the department to make recommendations to the Florida Transportation Commission; changing a repeal date; providing an effective date.

—with pending **Amendment 1** by Senator Hargrett.

Senator Meadows moved the following amendment to **Amendment 1**:

Amendment 1A (with Title Amendment)—On page 7, line 30, insert:

Section 6. Subsection (3) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(3) Any person who violates the overloading provisions of this chapter shall be conclusively presumed to have damaged the highways of this state by reason of such overloading, which damage is hereby fixed as follows:

(a) When the excess weight is 200 pounds or less than the maximum herein provided, the penalty shall be \$10;

(b) Five cents per pound for each pound of weight in excess of the maximum herein provided when the excess weight exceeds 200 pounds. However, whenever the gross weight of the vehicle or combination of vehicles does not exceed the maximum allowable gross weight, the maximum fine for the first 1,000 pounds of unlawful axle weight shall be \$10;

(c) *A commercial motor vehicle used solely for the purpose of collecting solid waste and operated with a current Florida registration certificate is subject to a flat penalty of \$20 for weights not exceeding 5,000 pounds over allowable weight limits as provided in this chapter provided that the gross vehicle weight does not exceed 80,000 pounds. For weights of 5,000 pounds or more over allowable limits, such solid waste vehicles shall be subject to the penalties provided in the chapter. This subsection shall not apply to violations of posted weight limits on bridges, and such solid waste vehicles shall be subject to the same penalties as other vehicles for violating a posted weight limit on any bridge.*

(d)(e) An apportioned motor vehicle, as defined in s. 320.01, operating on the highways of this state without being properly licensed and registered shall be subject to the penalties as herein provided;

(e)(d) Vehicles operating on the highways of this state from nonmember International Registration Plan jurisdictions which are not in compliance with the provisions of s. 316.605 shall be subject to the penalties as herein provided.

And the title is amended as follows:

In title, on page 76, line 2, after the semicolon (;) insert: reference to the name of the program; amending s. 316.545, F.S.; providing overweight penalties to certain motor vehicles used solely for collecting solid waste; amending s. 322.53, F.S.;

On motion by Senator Hargrett, further consideration of **CS for SB 2156** with pending **Amendment 1A** was deferred.

RECESS

The President declared the Senate recessed at 1:29 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:18 p.m. A quorum present—40:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

SPECIAL ORDER, continued

On motions by Senator Bankhead, by two-thirds vote **CS for HB 1987** was withdrawn from the Committees on Agriculture, Community Affairs and Appropriations.

On motion by Senator Bankhead—

CS for HB 1987—A bill to be entitled An act relating to animal control; amending s. 767.01, F.S.; revising a dog owner's liability for damages; amending s. 767.03, F.S.; revising a good defense for killing a dog; amend-

ing s. 767.12, F.S.; revising language with respect to the classification of a dog as dangerous; providing for notification to an owner; reducing a time period for getting a certificate when a dog has been classified as dangerous; amending s. 767.13, F.S.; revising language with respect to an attack or bite by a dangerous dog; amending s. 828.12, F.S.; clarifying acts constituting misdemeanor and felony charges; limiting liability for veterinarians who render services dealing with cruelty to animals; amending s. 828.27, F.S.; providing that the commission of a charged infraction at a hearing related to cruelty to animals must be proven by a preponderance of the evidence; increasing a civil penalty surcharge; providing for continuing education requirements for county-employed animal control officers; requiring all dogs and cats to be vaccinated by a licensed veterinarian; providing an exemption; requiring certification; requiring a standardized vaccination certificate form; authorizing a civil penalty; providing an effective date.

—a companion measure, was substituted for **CS for SB 2038** and read the second time by title. On motion by Senator Bankhead, by two-thirds vote **CS for HB 1987** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Weinstein, by two-thirds vote **HB 2353** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Weinstein—

HB 2353—A bill to be entitled An act relating to developmental research schools; amending s. 228.053, F.S.; providing requirements relating to implementation of "Blueprint 2000" provisions; revising provisions relating to funding; providing for exceptions to law and requirements related thereto; amending s. 228.054, F.S.; providing duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to review of rules and waiver of law; providing an effective date.

—a companion measure, was substituted for **SB 2636** and read the second time by title.

Senator Weinstein moved the following amendment which was adopted:

Amendment 1—On page 10, strike all of lines 5-10

Senator Johnson moved the following amendments which were adopted:

Amendment 2—On page 5, strike all of lines 1-6 and insert:

(c) *Developmental research school faculty members shall meet the certification requirements of ss. 231.02, 231.095, and 231.096, Florida Statutes, by the 1995-1996 school year.*

Amendment 3 (with Title Amendment)—On page 14, between lines 13 and 14, insert:

Section 3. *Short title.—Sections 3 through 5 of this act may be cited as the "Florida Human Resource Development Act of 1994."*

Section 4. Section 229.595, Florida Statutes, is created to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(1) The Legislature recognizes that the most efficient and cost-effective means of preparing youth to enter the workforce is through the provision of instructional experiences in elementary and secondary schools that enable students to attain entry-level employment and enroll in postsecondary institutions. The Legislature further recognizes that such preparation requires student demonstration of competence in a comprehensive array of academic, social, and technical skills. The Legislature intends that education accountability efforts specifically include measures through which schools can document the manner in which they have prepared students to enter the workforce.

(2) School accountability efforts shall include information regarding the provision of accurate, timely career and curricular counseling to students. Such accountability shall include a delineation of the information available to students regarding career opportunities, educational requirements associated with each career, educational institutions that prepare

students to enter each career, and student financial aid available to enable students to pursue any postsecondary instruction required to enter that career. Such accountability shall also delineate school procedures for identifying individual student interests and aptitudes which enable students to make informed decisions about the curriculum that best addresses their individual interests and aptitudes while preparing them to enroll in postsecondary education and enter the workforce.

(3) School accountability efforts shall delineate the availability of applied instruction that utilizes concrete, real-world examples to elicit demonstrated student competence comparable to the student performance standards delineated for corresponding traditional college preparatory courses. Such efforts shall also delineate the support services available for students who require assistance in order to successfully complete instruction necessary to enroll in postsecondary education or enter the workforce.

(4) School accountability efforts shall delineate the availability of instruction that enables students to acquire the technical skills associated with specific clusters of occupations as well as employability skills that apply to most occupations. In addition, such efforts shall describe and identify the availability of workplace-based learning experiences. Any school that conducts secondary vocational programs shall identify any agreements through which each program articulates into corresponding postsecondary programs.

(5) Any assessment required for student receipt of a high school diploma shall include items designed to assess student preparation to enter the workforce. The Florida Commission on Education Reform and Accountability shall identify the employability skills associated with successful entry into the workforce from which such items shall be derived.

Section 5. Section 446.31, Florida Statutes, is created to read:

446.31 Florida Human Resource Development Commission.—

(1) There is created the Florida Human Resource Development Commission. The commission shall be administratively housed within the Executive Office of the Governor, but it shall exercise independently the duties and responsibilities assigned herein or delegated by the Cabinet or Legislature.

(2)(a) The commission shall be composed of the Governor, the Speaker of the House of Representatives, the President of the Senate, the Commissioner of Education, the Secretary of Labor and Employment Security, the Secretary of Health and Rehabilitative Services, and the Secretary of Commerce, or their respective designees, and five other members who shall be appointed by the Governor as follows:

1. One member of the Florida Chamber of Commerce.
2. One member of Associated Industries of Florida.
3. Two members of the American Federation of Labor - Congress of Industrial Organizations.
4. The chairman of the board of directors of Enterprise Florida, Jobs and Education Partnership.

(b) Appointed members of the commission shall serve 4-year terms. Initial appointments to the commission shall be staggered in a manner such that one member's appointment expires each year. Any appointed member of the commission may be reappointed for consecutive terms. The Governor shall replace any appointed member of the commission who fails to attend three consecutive commission meetings. The commission shall meet no fewer than four times per year.

(c) The commission shall appoint an executive director to serve at its pleasure, who shall perform the duties assigned to him by the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing any technical or support staff necessary to assist the commission in carrying out its duties. The commission shall also be staffed by one employee each of the Department of Education, Department of Labor and Employment Security, Department of Health and Rehabilitative Services, and Department of Commerce. Staff assigned from each of these departments shall remain on the payroll of the respective department, shall be physically housed within the commission office, and shall carry out responsibilities associated with the duties of the commission on a full-time basis.

(d) Commission members may be paid travel and per diem expenses as provided in s. 112.061 while performing their duties under the provisions of this section.

(3) The commission shall serve in an advisory capacity to the Cabinet and Legislature on all matters related to human resource development in Florida. The commission shall oversee policy and practice related to the provision of social service, education, rehabilitation, and economic development programs to develop policies that foster program coordination and cooperation while eliminating unwarranted program duplication. In this capacity, the commission shall request waivers of state or federal policies that inhibit the provision of coordinated human resource development services. The commission shall prepare an annual report that delineates current human resource development efforts, evaluates the effectiveness of these efforts in general, and recommends policy modifications that may improve the effectiveness of these efforts. The first annual report shall be submitted to each member of the Cabinet and Legislature no later than November 1, 1995.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: creating s. 229.595, F.S.; providing for educational accountability for school-to-work transition efforts; creating s. 446.31, F.S.; creating the Florida Human Resource Development Commission; providing for administration; providing for membership; providing duties and responsibilities;

Senator Grogan moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 1, line 15, insert:

Section 1. (1) This section may be cited as the "Educational Funding Accountability Act."

(2) As used in this section, the term:

(a) "Administrative personnel" means principals, assistant principals, assistant superintendents, supervisory personnel, and all other management personnel as classified by the Public Employees Relations Commission.

(b) "Administrative support personnel" means school board employees who spend less than 60 percent of their workday at an assigned school site or who are assigned to the district office or another nonschool site and who do not qualify in another category. The term includes all school-based confidential employees.

(c) "Instructional personnel" means employees who are certified classroom teachers who spend at least 75 percent of their normal workday teaching or instructing one or more students. This category shall include only employees recognized by the Public Employees Relations Commission as included in the certified teacher bargaining unit.

(d) "Instructional specialists" means guidance counselors, librarians or media specialists, and other certified personnel who work with students on a daily basis or assist with the learning process. This category shall include only employees recognized by the Public Employees Relations Commission as included in the certified teacher bargaining unit.

(e) "Instructional support personnel" means school board employees who assist teachers and who are primarily responsible for direct support in instructing students. The term includes teacher aides, teacher assistants, aides or assistants to librarians or media specialists, aides or assistants to guidance counselors, and substitute teachers who are assigned to classroom duties.

(f) "School support personnel" means custodial personnel, bus drivers, office personnel, secretaries, cafeteria personnel, and district maintenance personnel. The term includes any other personnel not included in any other category who are not management.

(3) Each school board must classify each employee of the school board or school district into one of the following categories:

- (a) Instructional personnel;
- (b) Instructional specialist;
- (c) Instructional support personnel;
- (d) Administrative personnel;
- (e) Administrative support personnel; or
- (f) School support personnel.

The school board shall notify each employee of such classification.

(4)(a) The annual school report to parents must include the exact number of employees in each of the categories listed in subsection (3), by work location.

(b) Any teacher-to-student ratio or class-size measure required by law or State Board of Education rule must be computed by dividing the number of students in attendance at the school by the number of instructional personnel pursuant to paragraph (3)(a). Class-size reports for exceptional student education shall be computed by dividing the number of exceptional students by the number of exceptional-education classroom teachers who are classified as instructional personnel pursuant to paragraph (3)(a).

(5)(a) The following expenditures by the school board are administrative expenditures:

1. Travel reimbursement for school board employees other than instructional personnel or instructional specialists.
2. Supplies or equipment for a district office or a nonschool site.
3. Salaries and benefits for employees classified as administrative personnel.
4. Salaries and benefits for employees classified as administrative support personnel.
5. Salary and benefits for the superintendent.
6. Salaries and benefits for school board members.
7. Expenditures for legal, accounting, and other professional services.

(b) The following expenditures by the school board are instructional support expenditures:

1. Salaries, benefits, and travel reimbursement for employees classified as instructional personnel or instructional specialists.
2. Salaries and benefits for employees classified as instructional support personnel.
3. Salaries and benefits for employees classified as school support personnel.
4. Equipment, supplies, and materials used at a school site.
5. Expenses directly incurred for instructional materials and student transportation.
6. An employee's compensation for coaching or tutoring students.
7. Any expenditures for the continuing education of any school board employee or any school board member or for informational services.

(6) Each school district shall annually submit a report by October 1, for the previous school year, which identifies administrative expenditures and instructional support expenditures that are established as separate accounts. In addition, the report shall include the number of employees in each category outlined in subsection (3) and the percentage of employees in each category. The report shall also state the number of unweighted FTE's enrolled in the school district and the total amount of funds expended for administrative purposes as defined in paragraph (5)(a). The total amount of administrative expenditures shall be divided by the number of unweighted FTE's to determine administrative expenditures per student. This calculation shall also be reported in the school report cards. This report shall be submitted to the Commissioner of Education and shall be made available to the public at various school sites throughout the school district. The school report cards shall contain notification of the availability of this report.

(7)(a) Nothing in this section requires changes in the statewide staff and financial database established pursuant to sections 229.555 and 237.01, Florida Statutes.

(b) Nothing in this section in any way alters the provisions of part II of chapter 447, Florida Statutes.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, strike all of lines 2 and 3 and insert: An act relating to education; creating the Educational Funding Accountability Act; providing definitions; requiring each school board to classify employees of the school board and the school district according to the employees' duties; requiring certain personnel information to be reported; providing for classification of school board expenditures; requiring reporting of certain expenditures; specifying that certain changes in the statewide staff and financial database are not required; providing that the provisions of part II of ch. 447, F.S., are not affected by the Educational Funding Accountability Act;

On motion by Senator Weinstein, by two-thirds vote **HB 2353** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Jenne, by two-thirds vote **CS for HB 713** was withdrawn from the Committees on Transportation; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Jenne—

CS for HB 713—A bill to be entitled An act relating to motor vehicle license plates; providing for the issuance of Florida Professional Sports Team license plates; providing for application and issuance of such plates; providing for fees; providing for the disposition of fees; providing an effective date.

—a companion measure, was substituted for **CS for SB's 2324 and 2030** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for HB 713** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

SENATOR CHILDERS PRESIDING

On motions by Senator Turner, by two-thirds vote **HB 2325** was withdrawn from the Committees on Executive Business, Ethics and Elections; and Appropriations.

On motion by Senator Turner—

HB 2325—A bill to be entitled An act relating to implementation of the National Voter Registration Act of 1993 for federal and state elections; creating part I of chapter 97, F.S., relating to general provisions of the election code; amending s. 97.012, F.S.; providing duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; eliminating, revising, and providing definitions; creating s. 97.023, F.S.; establishing procedures for handling complaints relating to registration; creating part II of chapter 97, F.S., relating to the "Florida Voter Registration Act"; creating s. 97.032, F.S.; providing a short title; creating s. 97.033, F.S.; providing legislative intent; amending s. 97.041, F.S.; revising qualifications to register or vote; renumbering and amending s. 98.111, F.S.; revising the registration application and requirements relating thereto to provide for a uniform statewide voter registration application and other voter registration applications in conformance therewith; creating s. 97.053, F.S.; providing for acceptance of voter registration applications; renumbering and amending s. 98.051, F.S.; revising the registration book-closing period; creating s. 97.057, F.S.; authorizing voter registration by the Department of Highway Safety and Motor Vehicles in conjunction with applications for, renewals of, and changes of address on drivers' licenses or identification cards and providing requirements thereof; creating s. 97.058, F.S.; authorizing voter registration at specified voter registration agencies and providing requirements thereof; amending s. 97.061, F.S.; revising provisions relating to registration of persons needing assistance in voting; amending s. 97.071, F.S.; revising the contents of the registration identification card and providing for replacement of defaced, lost, or stolen cards and for issuance of a new card upon change of name, address, or party affiliation; creating s. 97.073, F.S.; providing for disposition of voter registration applications; providing for notice to cancel former registration; renumbering and amending s. 97.091, F.S., relating to registration in precinct and provisions for residence and name change at the polls; replacing an affidavit under oath with a signed affirmation subject to penalties for false swearing; amending s. 97.1031, F.S., relating to notice of change of residence within the same county or change of name,

to conform; renumbering and amending s. 98.031, F.S., relating to registration and election districts, precincts, and polling places, to correct a cross reference; renumbering and amending s. 98.161, F.S.; revising provisions relating to duties of the supervisor of elections, to include provisions on office hours and the appointment of deputy supervisors; creating s. 98.045, F.S.; providing for administration of voter registration; creating s. 98.055, F.S.; providing for registration list maintenance forms; creating s. 98.065, F.S.; providing for registration list maintenance programs; creating s. 98.075, F.S.; providing other registration list maintenance activities; amending s. 98.081, F.S., relating to removal of names from the registration books, to conform; renumbering and amending s. 98.301, F.S., relating to duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony, to conform; renumbering and amending s. 98.211, F.S., relating to public inspection of the registration books; amending s. 98.212, F.S.; requiring supervisors to furnish information to the Department of State for federal reporting purposes; amending s. 98.461, F.S., relating to filing of the registration form, to correct a cross reference; amending s. 101.694, F.S., relating to mailing of absentee ballots upon receipt of federal postcard application, to conform; amending s. 104.011, F.S., relating to false swearing, to conform; prohibiting willful submission of false voter registration information; providing penalties; amending s. 104.012, F.S., relating to consideration for registration; prohibiting interference with registration and soliciting registration for compensation; providing penalties; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter registration identification card, to conform; amending s. 125.01, F.S., relating to powers and duties of county government, to correct a cross reference; repealing ss. 97.051, 97.063, 97.064, 97.072, 98.201, 98.271, 101.692, and 125.9505, F.S., relating to oath and identification of elector for registration, eligibility for absentee registration, registration of citizens residing overseas, federal employees, and military personnel when previously registered, replacement of registration identification card, removal of names of disqualified electors, appointment of deputy supervisors and volunteer deputy voter registrars, the federal postcard application for absentee ballots, and an exemption relating to volunteer deputy voter registrars, respectively, to conform; providing appropriations; creating the Central Voter File Study Committee; providing for membership, officers, organization, per diem, and staffing; providing duties; providing for a report and for termination of the committee upon submission of the report; providing effective dates.

—a companion measure, was substituted for CS for CS for SB 2924 and read the second time by title.

Senator Turner moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 5, line 3, strike everything after the enacting clause and insert:

Section 1. Part I of chapter 97, Florida Statutes, consisting of sections 97.011, 97.012, 97.021, 97.023, and 97.025, Florida Statutes, is created and entitled "General Provisions."

Section 2. Subsections (7), (8), (9), and (10) are added to section 97.012, Florida Statutes, to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his responsibility to:

(7) *Coordinate the state's responsibilities under the National Voter Registration Act of 1993.*

(8) *Provide training to all affected state agencies on the necessary procedures for proper implementation of this chapter.*

(9) *Ensure that all registration applications and forms prescribed or approved by the department are in compliance with the Voting Rights Act of 1965.*

(10) *Coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter registration in a manner consistent with the procedures set forth in this code for voter registration agencies.*

Section 3. Section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—~~For the purposes of The following words and phrases when used in this code, except where the context clearly indicates otherwise, the term shall be construed as follows:~~

(1) "Absent elector" means any registered and qualified voter who:

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he is registered to vote.

(c) On account of the tenets of his religion, cannot attend the polls on the day of a general, special, or primary election.

(d) Has changed his residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(e) Will not be in the precinct of his residence during the hours the polls are open for voting on the day of an election.

(f) Has changed his residency to another state and is ineligible under the laws of that state to vote in the general election; however, this shall pertain only to presidential ballots.

(2) ~~"Agency" means any state, county, local, or municipal governmental entity of this state; any department, division, bureau, commission, authority, or political subdivision of this state; or any public school, community college, or state university.~~

(3) ~~"Armed Forces" shall be interpreted to mean and include the Army of the United States, Navy, Air Force of the United States, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, when on active duty.~~

(2)(4) "Ballot" or "official ballot" when used in reference to:

(a) "Voting machines," except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other question or proposition submitted to the electorate at any election.

(b) "Paper ballots" means that printed sheet of paper containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his vote.

(c) "Electronic or electromechanical devices" means a ballot which is voted by the process of punching or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(5) ~~"Branch office" means a substantial structure, fixed or movable, or a motor vehicle, bus, or other mobile unit, in which voter registrations will be accepted, which office and location shall be designated by the supervisor.~~

(3)(6) "Candidate" means any person to whom any one or more of the following applies:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(4) "Department" means the Department of State.

(5) "Division" means the Division of Elections of the Department of State.

(7) ~~"Dependent" means any person who is in fact a dependent.~~

(6)(8) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.

(7)(9) "Election board" means the clerk and inspectors appointed to conduct an election.

(8)(10) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, ~~poll workers~~ ~~pollworkers~~, and election night canvass.

(9)(11) "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.

(10)(12) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

(11)(13) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.

(14) ~~"Members of the Merchant Marine of the United States" means persons (other than members of the Armed Forces) employed as officers or members of crews of vessels documented under the laws of the United States, or of vessels owned by the United States, or of vessels of foreign flag registry under charter to or control of the United States, and persons (other than members of the Armed Forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessel; but does not include persons so employed, or enrolled for such employment, or for training for such employment, or maintained for emergency relief service, on the Great Lakes or the inland waterways.~~

(12)(15) "Minor political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department of State a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of State of any changes in the filing certificate within 5 days of such changes.

(13)(16) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

(14)(17) "Nominal value" means having a retail value of \$10 or less.

(15)(18) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.

(16) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.

(17) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.

(18)(19) "Polling place" is the building which contains the polling room where ballots are cast.

(19)(20) "Polling room" means the actual room in which ballots are cast.

(20)(21) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.

(21) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the Aid to Families with Dependent Children program.

(22) "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.

(23) "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(24) "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(25) ~~Wherever the word "Supervisor" is used, it~~ means the supervisor of elections.

(26) "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

(27)(26) "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his ballot, be it a paper ballot, a voting machine ballot, or a ballot cast for tabulation by an electronic or electromechanical device.

(28)(27) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of mechanical, electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

~~(28) "Weekday" includes every day but Sunday.~~

Section 4. Section 97.023, Florida Statutes, is created to read:

97.023 Procedures on complaints of violations.—

(1)(a) Any person who is aggrieved by a violation of either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code may file a written complaint with the department, which shall serve as notice to the Secretary of State.

(b) A complaint must state the alleged violation and the person or entity responsible, who must be the department, a voter registration agency, a supervisor, the Department of Highway Safety and Motor Vehicles or an Armed Forces Recruitment Center. If the department determines that a complaint fails to allege both a violation and a person or entity responsible for the violation, the department shall inform the complainant that he has not given sufficient notice and the steps that must be taken in order to give proper notice.

(c) For the purposes of this section, a violation of either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code is the failure to perform an act required or the performance of an act prohibited by either the National Voter Registration Act of 1993 or a voter registration or removal procedure under the Florida Election Code.

(d) The department has primary jurisdiction over complaints filed under the provisions of this section.

(2) When a complaint is filed with the department, the parties to the complaint must be given the opportunity to resolve the complaint through an informal dispute resolution process to be established by the department. This process must provide for:

(a) A time limitation of 30 days on the process, unless the alleged violation occurred within 120 days before the date of an election, in which case there must be a time limitation of 20 days;

(b) A mediator provided by the department, who may be a department employee unless the department is alleged to be responsible for the violation, in which case the Governor must appoint a mediator who is not a department employee;

(c) Notice to a complainant;

(d) Notice to a respondent of the allegations filed against him in the complaint;

(e) An opportunity for the parties to submit written statements, present oral argument either in person or by telephone, and present evidence; and

(f) A written statement by the mediator to the department stating the outcome of the dispute resolution process.

(3) If an alleged violation occurred within 30 days before the date of a state or federal election and the alleged violation will affect the registrant's right to vote in that election, the complainant may immediately bring an action in the circuit court in the county where the alleged violation occurred. Otherwise, the following are conditions precedent for a complainant to bring an action for declaratory or injunctive relief in the circuit court in the county where the alleged violation occurred:

(a) the complainant gave proper written notice of the alleged violation to the Secretary of State;

(b) the complainant participated in the informal dispute resolution process; and

(c) an agreement is not reached or an alleged violation is not corrected within 90 days after receipt of notice or 20 days after receipt of notice if the alleged violation occurred within 120 days before the date of an election.

Section 5. Section 98.251, Florida Statutes, is transferred and renumbered as section 97.025, Florida Statutes.

Section 6. Part II of chapter 97, Florida Statutes, consisting of sections 97.032, 97.041, 97.051, 97.052, 97.053, 97.055, 97.057, 97.058, 97.061, 97.071, 97.073, 97.1031, and 97.105, Florida Statutes, is created and entitled "Florida Voter Registration Act."

Section 7. Section 97.032, Florida Statutes, is created to read:

97.032 Short title.—This part may be cited as the "Florida Voter Registration Act."

Section 8. Section 97.041, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 97.041, F.S., for present text.)

97.041 Qualifications to register or vote.—

(1)(a) A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;

4. Is a legal resident of the county in which that person seeks to be registered; and

5. Registers pursuant to the Florida Election Code.

(b) A person who is otherwise qualified may preregister on or after that person's 17th birthday and may vote in any election occurring on or after that person's 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

Section 9. Section 97.051, Florida Statutes, is amended to read:

97.051 Oath upon registering and identification of elector for registration.—

(1) A person registering to vote must subscribe to making application for registration as an elector shall take the following oath: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that I am a citizen of the United States and a legal resident of _____ County, Florida."

(2) The person shall also execute a written statement under oath that he has never previously registered to vote in any other jurisdiction or that he has been registered, stating the place of the last prior registration and the name under which he was registered and requesting the proper official in that jurisdiction to strike his registration from the record. The oath may be administered by the registration officer. The registration officer shall, within 2 weeks of the execution of the written statement, notify the supervisor in that jurisdiction to cancel the prior registration. The applicant shall also give a sufficient description of himself as to reasonably identify his person.

Section 10. Section 98.111, Florida Statutes, is transferred and renumbered as section 97.052, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 98.111, F.S., for present text.)

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote.
2. Individuals or groups conducting voter registration programs.
3. The Department of Highway Safety and Motor Vehicles.
4. Voter registration agencies.
5. Armed forces recruitment offices.
6. Supervisors, who must make the applications and forms available in the following manner:

a. By distributing the applications and forms in their offices to any individual or group.

b. By distributing the applications and forms at other locations designated by each supervisor.

c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may not be reproduced by any private individual or group.

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

- (a) Full name.
 - (b) Date of birth.
 - (c) Address of legal residence.
 - (d) Mailing address, if different.
 - (e) County of legal residence.
 - (f) Race or ethnicity that best describes the applicant:
1. American Indian or Alaskan Native.

2. Asian or Pacific Islander.
 3. Black, not of Hispanic origin.
 4. White, not of Hispanic origin.
 5. Hispanic.
 - (g) Sex.
 - (h) Party affiliation.
 - (i) Whether the applicant needs assistance in voting.
 - (j) Name and address where last registered.
 - (k) Social security number (optional).
 - (l) Telephone number (optional).
 - (m) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.
 - (n) Date of signature.
 - (o) Whether the application is being used for initial registration or to update a voter registration record.
 - (p) Whether the applicant is a citizen of the United States.
- (3) The uniform statewide voter registration application must also contain:
- (a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051
 - (b) A statement specifying each eligibility requirement under s. 97.041.
 - (c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.
 - (d) A statement that the disclosure of a social security number is voluntary, a citation of the statutory authority under which the social security number is being solicited, a delineation of the uses that will be made of the social security number, and a notice that the social security number will be open to public inspection.
 - (e) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.
 - (f) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.
- (4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.
- (5) The voter registration application form prescribed by the Federal Election Commission pursuant to the National Voter Registration Act of 1993 or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.
- Section 11. Section 97.053, Florida Statutes, is created to read:
- 97.053 Acceptance of voter registration applications.—
- (1) Voter registration applications and changes in registration must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.
 - (2) A completed voter registration application that contains the information necessary to establish an applicant's eligibility pursuant to s. 97.041 becomes the official voter registration record of that applicant when received by the appropriate supervisor.

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date when received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed and bears a clear postmark is the date of the postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the registration is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains the applicant's name, legal residence address, date of birth, and signature swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

Section 12. Section 98.051, Florida Statutes, is transferred and renumbered as section 97.055, Florida Statutes, and amended to read:

(Substantial rewording of section. See s. 98.051, F.S., for present text.)

97.055 Registration books; when closed for an election.—

(1) The registration books must be closed on the 29th day before each election and must remain closed until after that election. If an election is called and there are fewer than 29 days before that election, the registration books must be closed immediately. When the registration books are closed for an election, voter registration and party changes must be accepted but only for the purpose of subsequent elections. However, party changes received between the book-closing date of the first primary election and the date of the second primary election are not effective until after the second primary election.

(2) In computing the 29-day period for the closing of the registration books, the day of the election is excluded and all other days are included. If the 29th day preceding an election falls on a Sunday or a legal holiday, the registration books must be closed on the next day that is not a Sunday or a legal holiday.

Section 13. Section 97.057, Florida Statutes, is created to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote or to update a voter registration record to each individual who comes to an office of that department to:

- (a) Apply for or renew a driver's license;
- (b) Apply for or renew an identification card pursuant to chapter 322; or
- (c) Change an address on an existing driver's license or identification card.

(2) The Department of Highway Safety and Motor Vehicles shall:

- (a) Notify each individual, orally or in writing, that:

1. Information gathered for the completion of a driver's license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;

3. Information provided can also be used to update a voter registration record;

4. All declinations will remain confidential and may be used only for voter registration purposes; and

5. The particular driver license office in which the person applies to register to vote or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(b) Require a driver's license examiner to inquire orally, or inquire in writing if the applicant is hearing impaired, and whether the applicant wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application;

b. The additional necessary information must be obtained by the driver's license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1); and

c. A voter registration application with all of the applicant's voter registration information must be presented to the applicant to sign.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must keep the declination for 2 years.

(3) For the purpose of this section, the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, shall prescribe:

(a) A voter registration application that is the same in content, format, and size as the uniform statewide voter registration application prescribed under s. 97.052; and

(b) A form that will inform applicants under subsection (1) of the information contained in paragraph (2)(a).

(4) The Department of Highway Safety and Motor Vehicles must forward completed voter registration applications within 5 days after receipt to the supervisor of the county where the office that processed or received that application is located.

(5) The Department of Highway Safety and Motor Vehicles must send, with each driver's license renewal extension application authorized pursuant to s. 322.18(8), a uniform statewide voter registration application, the voter registration application prescribed under paragraph (3)(a), or a voter registration application developed especially for the purposes of this subsection by the Department of Highway Safety and Motor Vehicles, with the approval of the Department of State, which must meet the requirements of s. 97.052.

(6) A person providing voter registration services for a driver license office may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(d) Disclose any applicant's voter registration information except as needed for the administration of voter registration.

(7) The Department of Highway Safety and Motor Vehicles shall compile lists, by county, of those individuals whose names have been purged from its driver's license data base because they have been licensed in another state and shall provide those lists annually to the appropriate supervisors.

(8) The Department of Highway Safety and Motor Vehicles shall collect data determined necessary by the Department of State for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(9) The Department of Highway Safety and Motor Vehicles must ensure that all voter registration services provided by driver license offices are in compliance with the Voting Rights Act of 1965.

Section 14. Section 97.058, Florida Statutes, is created to read:

97.058 Voter registration agencies.—

(1) Each voter registration agency must provide each applicant the opportunity to register to vote or to update a voter registration record, at the time the applicant applies for services or assistance from that agency, for renewal of such services or assistance, or for a change of address required with respect to the services or assistance.

(2) Each voter registration agency, other than a public library, must develop and provide each applicant with a form approved by the department containing all of the following:

(a) The questions:

1. "If you are not registered to vote where you live now, would you like to apply to register to vote today?"

2. "If you are registered to vote where you live now, would you like to update your voter registration record?"

(b) For agencies providing public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(c) Boxes for the applicant to check which indicate that:

1. The applicant would like to register to vote or update a current voter registration;

2. The applicant would like to decline to register to vote; or

3. The applicant is already registered to vote and does not need to update the voter registration,

together with the statement, "If you do not check any box, you will be considered to have decided not to register to vote or update a voter registration at this time."

(d) The statement, "If you would like help in filling out the voter registration application, we will help you. The decision whether to seek or accept help is yours. You may fill out the voter registration application in private."

(e) The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State."

(f) The address and telephone number of the appropriate office in the department where a complaint may be filed.

(g) A statement that all declinations will remain confidential and may be used only for voter registration purposes.

(h) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(3)(a) A voter registration agency may use the uniform statewide voter registration application or may create and use a voter registration application that meets the requirements of s. 97.052, with the approval of the department.

(b) A voter registration agency must provide to each applicant under subsection (1) the voter registration application that the agency decides to use pursuant to paragraph (a). An applicant who indicates a desire to register to vote or update a voter registration record must be provided the same degree of assistance with regard to the completion of that voter registration application as is provided by the agency with regard to the completion of its own forms, unless the applicant refuses that assistance.

(4) If a voter registration agency provides services to a person with a disability at the person's home, the agency must also provide voter registration services at the person's home.

(5) A voter registration agency must establish procedures for providing voter registration services to applicants who apply by telephone.

(6) A voter registration agency must forward completed voter registration applications within 5 days after receipt to the supervisor of the county where the agency that processed or received that application is located.

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records.

(8) A person providing voter registration services for a voter registration agency may not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display any political preference or party allegiance;

(c) Make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits;

(d) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(e) Disclose any applicant's voter registration information except as needed for the administration of voter registrations.

(9) A voter registration agency must collect data determined necessary by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

(10) Each state agency which contracts with a private provider that is also a voter registration agency as defined in s. 97.021 is responsible for contracting for voter registration services with that provider and for ensuring that the private provider complies with the provisions of this section.

(11) Each voter registration agency must ensure that all voter registration services provided by its offices are in compliance with the Voting Rights Act of 1965.

Section 15. Section 97.061, Florida Statutes, is amended to read:

97.061 Special registration for electors requiring assistance.—

(1) Any person who is ~~otherwise~~ eligible to register ~~and but~~ who is unable to read or write or who, because of some disability ~~likely to continue for a prolonged period of time~~, needs assistance in voting shall upon ~~that person's~~ request be registered by the supervisor under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section.

(2) ~~If The supervisor, Upon finding that~~ a person is qualified to register pursuant to this section, ~~the supervisor shall note in that person's enter in his registration record that the person needs assistance in voting a specific description of the particular disabling impairment.~~

(3) Upon registering any person pursuant to this section, the supervisor ~~must shall~~ make a notation on the registration books or records which are delivered to the polls on election day that such person is eligible for assistance in voting, and the supervisor may issue such person a special registration identification card or make some notation on the regular registration identification card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his own choice, other than his employer, the agent of his employer, or an officer or agent of his union, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his condition which makes it unnecessary for him to receive assistance in voting.

Section 16. Section 97.0631, Florida Statutes, is transferred and renumbered as section 100.025, Florida Statutes.

Section 17. Section 97.065, Florida Statutes, is transferred and renumbered as section 101.665, Florida Statutes.

Section 18. Section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card ~~must shall~~ be furnished to all ~~voters electors~~ registering under the permanent *single* registration system and ~~must shall~~ contain:

(a)(1) ~~Voter's~~ ~~Elector's~~ registration number.

(b)(2) Date of registration.

(c)(3) Full name.

(d)(5) Party affiliation.

(e)(6) Date of birth.

(f)(7) Race or ethnicity.

(g)(4) Sex.

(h)(8) ~~Residence~~ Address of legal residence.

(i)(9) Precinct ~~or district~~ number.

(j)(10) Signature of supervisor ~~registration officer~~.

(k)(11) Place for voter's ~~elector's~~ signature.

(l)(12) Other information deemed necessary by the department of State.

(2) A voter may receive a replacement of a registration identification card by informing the supervisor, in writing, that the card was defaced, lost, or stolen. Upon verification of registration, the supervisor shall issue the voter a duplicate card without charge.

(3) In the case of a change of name, address, or party affiliation, the supervisor must issue the voter a new registration identification card. However, a registration identification card indicating a party affiliation change made between the book-closing date for the first primary election and the date of the second primary election may not be issued until after the second primary election.

Section 19. Section 97.073, Florida Statutes, is created to read:

97.073 Disposition of voter registration applications; cancellation notice.—

(1) The supervisor must notify each applicant of the disposition of the applicant's voter registration application. The notice must inform the applicant that the application has been approved, is incomplete, has been denied, or is a duplicate of a current registration. A registration identification card sent to an applicant constitutes notice of approval of registration. If the application is incomplete, the notice must instruct the applicant to complete another voter registration application, which the supervisor must provide. A notice of denial must inform the applicant of the reason the application was denied.

(2) Within 2 weeks after approval of a voter registration application that indicates that the applicant was previously registered in another jurisdiction, the supervisor must notify the registration official in the prior jurisdiction that the applicant is now registered in the supervisor's county.

Section 20. Section 97.091, Florida Statutes, is transferred and renumbered as section 101.045, Florida Statutes, and amended to read:

101.045 ~~97.091~~ Electors must be registered in precinct; provisions for residence or name change.—

(1) No person shall be permitted to vote in any election precinct or district other than the one in which he has his legal residence and in which he is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the main office of the supervisor of elections, as designated by the supervisor, is located when he has no permanent address in the county and it is his intention to remain a resident of Florida and of the county in which he is registered to vote. Such persons who are registered in the precinct in which the main office of the supervisor of elections, as designated by the supervisor, is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

(2)(a) An elector who moves from the precinct within the county in which he is registered may be permitted to vote in the precinct to which he has moved his *legal residence*, provided such elector *completes an affirmation furnishes at the polls proof of his new residence address and executes an affidavit under oath* in substantially the following form:

AFFIDAVIT

Change of Legal Residence of Registered

Voter

Under penalties for false swearing, I, . . . (Name of voter) . . . , swear (or affirm) being first duly sworn under oath, certify that the my former address of my legal residence was . . . (Address of legal residence) . . . in the municipality of . . . , in . . . County, Florida, and I was registered to vote in the . . . precinct of . . . County, Florida; that I have not voted in the precinct of my former registration in this election; that I now reside at . . . (Address of legal residence) . . . in the Municipality of . . . , in . . . County, Florida, and am therefore eligible to vote in the . . . precinct of . . . County, Florida; and I further swear (or affirm) certify that I am otherwise legally registered and entitled to vote.

. . . (Signature of voter whose address of legal residence has changed) . . .

Sworn to and subscribed to before me this . . . day of . . . , 19

. . . (Signature and title of person administering oath) . . .

(b) An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector *completes an affirmation furnishes at the polls proof of his new name and executes an affidavit under oath* in substantially the following form:

AFFIDAVIT

Change of Name of Registered Voter

Under penalties for false swearing, I, . . . (New name of voter) . . . , swear (or affirm) being first duly sworn under oath, certify that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct . . . as follows:

Name.

Address.

Municipality.

County.

Florida, Zip.

My present name and address of legal residence are as follows:

Name.

Address.

Municipality.

County.

Florida, Zip.

and I further swear (or affirm) certify that I am otherwise legally registered and entitled to vote.

. . . (Signature of voter whose name has changed) . . .

Sworn to and subscribed to before me this . . . day of . . . , 19

. . . (Signature and title of person administering oath) . . .

(c) Such *affirmation affidavit*, when *completed properly executed* and presented at the precinct in which such elector is entitled to vote, shall entitle such elector to vote as provided in this subsection. Upon receipt of an *affirmation affidavit* certifying a change in *address of legal residence or change in name*, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to *indicate reflect* the change in *address of legal residence or change in name* of such elector.

(d) *Instead of the affirmation contained in paragraph (a) or paragraph (b), an elector may complete a voter registration application that indicates the change of name or change of address of legal residence.*

~~(d) In accordance with the provisions of s. 98.051, an elector whose residence has changed shall notify the supervisor in writing and obtain a voter identification card reflecting the new residence address. When the name of an elector has changed by marriage or other legal process, such elector shall notify the supervisor in writing of such change and obtain a voter identification card reflecting the name change.~~

(e) A request for an absentee ballot pursuant to s. 101.62 which indicates that the elector has had a change of *address of legal residence* from that in the supervisor's records shall be sufficient as the notice to the supervisor of ~~elections~~ of change of *address of legal residence* required by this section. Upon receipt of such request for an absentee ballot from an elector who has changed his *address place of legal residence*, the supervisor of ~~elections~~ shall provide the elector with the proper ballot for the precinct in which he then has his *legal permanent place of residence*.

(3) When an elector's name does not appear on the registration books of the election precinct in which he is registered and when he cannot present a valid registration identification card, he may have his name restored if the supervisor is otherwise satisfied that he is validly registered, that his name has been erroneously omitted from the books, and that he is entitled to have his name restored. The supervisor, if he is satisfied as to the elector's previous registration, shall allow such person to vote and shall thereafter issue a duplicate registration identification card.

Section 21. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence *within the same county, change of or name, or change of party.*—

(1) When an elector moves from the address named on *that person's* his voter registration record ~~records~~ to another address within the same county, it is the ~~duty of such elector must~~ *duty of such elector must* to notify the ~~office of the supervisor of elections~~ in writing of such change and obtain a *registration voter* identification card reflecting the new ~~residence~~ address of *legal residence*.

(2) When the name of an elector is changed by marriage or other legal process, it is the ~~duty of such elector must~~ *duty of such elector must* to notify the ~~office of the supervisor of elections~~ in writing of the ~~such~~ change and obtain a *registration voter* identification card reflecting the name change.

(3) *When an elector seeks to change party affiliation, the elector must notify the supervisor in writing and obtain a new registration identification card pursuant to s. 97.071.*

(4) The supervisor of ~~elections~~ shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of *address of legal residence, or name, or party affiliation*.

Section 22. Section 97.102, Florida Statutes, is transferred and renumbered as section 101.663, Florida Statutes.

Section 23. Section 98.041, Florida Statutes, is transferred and renumbered as section 97.105, Florida Statutes.

Section 24. Section 98.031, Florida Statutes, is transferred and renumbered as section 101.001, Florida Statutes, and subsection (1) of that section is amended to read:

~~101.001 98.031~~ Registration and election districts, precincts, and polling places; boundaries.—

(1) Subject to the provisions of s. ~~101.002 98.001~~, each county election precinct, election district, and polling place in this state as defined and fixed is recognized and continued. Except as otherwise provided in paragraph (3)(a), the board of county commissioners in each county, upon recommendation and approval of the supervisor, shall alter or create new districts or precincts. Each precinct as nearly as practicable shall be composed of contiguous and compact areas and shall be numbered. The supervisor shall designate a polling place at a suitable location within each precinct. The district or precinct shall not be changed thereafter except with the consent of four members of the board of county commissioners and the supervisor. The board of county commissioners and the supervisor may have precinct boundaries conform to municipal boundaries in accordance with the provisions of s. ~~101.002 98.001~~, but, in any event, the registration books shall be maintained in such a manner that there may be determined therefrom the total number of electors in each municipality.

Section 25. Section 98.161, Florida Statutes, is transferred and renumbered as section 98.015, Florida Statutes, and amended to read:

~~98.015 98.161~~ Supervisor of elections; election, tenure of office, compensation, custody of books, *office hours*, successor, seal; *appointment of deputy supervisors; duties.*—

(1) A supervisor of elections shall be elected in each county at the general election in each year the number of which is a multiple of four for

a 4-year term commencing on the first Tuesday after the first Monday in January succeeding his election. Each supervisor shall, before performing any of his duties, take the oath prescribed in s. 5, Art. II of the State Constitution and give a surety bond payable to the Governor in the sum of \$5,000, conditioned on the faithful discharge of his duties.

(2) The supervisor's compensation shall be paid by the board of county commissioners.

(3) The supervisor is the official custodian of the registration books and has the exclusive control of matters pertaining to registration of electors.

(4) *At a minimum, the office of the supervisor must be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.*

(5)(4) The supervisor shall preserve statements and other information required to be filed with his office pursuant to chapter 106 for a period of 10 years from date of receipt.

(6)(5) The supervisor shall, upon leaving office, deliver to his successor immediately all records belonging to his office.

(7)(6) Each supervisor is authorized to obtain for his office an impression seal approved by the department of State. An impression of the seal with a description thereof shall be filed with the department of State. The supervisor is empowered to attach an impression of his seal upon official documents and certificates executed over his signature and take oaths and acknowledgments under his seal in matters pertaining to his office. However, said seal need not be affixed to registration certificates.

(8) *Each supervisor may select and appoint, subject to removal by the supervisor, as many deputy supervisors as are necessary, whose compensation must be paid by the supervisor and who shall have the same powers and whose acts shall have the same effect as the acts of the supervisor; except that the supervisor shall limit the power to appoint deputy supervisors to designated deputy supervisors. Each deputy supervisor shall, before entering office, take an oath in writing that he will faithfully perform the duties of his office, which oath must be acknowledged by the supervisor or a designated deputy supervisor and must be filed in the office of the supervisor.*

(9) *Each supervisor must make training in the proper implementation of voter registration procedures available to any individual, group, center for independent living, or public library in the supervisor's county.*

(10) *Each supervisor must ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements for that county under the Voting Rights Act of 1965.*

Section 26. Section 98.045, Florida Statutes, is created to read:

98.045 Administration of voter registration.—

(1) Each supervisor must ensure that any eligible applicant for voter registration is registered to vote. Once a voter is registered, the name of that voter may not be removed from the registration books except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance program or other registration list maintenance activity conducted pursuant to s. 98.065 or 98.075.

(2) Information received by a supervisor from an election official in another jurisdiction indicating that a voter in the supervisor's county has registered to vote in that other jurisdiction shall be considered as a written request from the voter to have the voter's name removed from the registration books of the supervisor's county.

(3) Notwithstanding the provisions of s. 98.095, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075. The records must include lists of the name and address of each person to whom an address-confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 27. Section 98.055, Florida Statutes, is created to read:

98.055 Registration list maintenance forms.—The department shall prescribe registration list maintenance forms to be used by the supervisors which must include:

(1) An "address confirmation request" that must contain:

(a) The voter's name and address of legal residence as shown on the voter registration record.

(b) A request that the supervisor be informed if either the name or address of legal residence of the voter is incorrect.

(2) An "address confirmation final notice," which must be sent by forwardable mail and must contain a postage prepaid preaddressed return form and a statement that:

(a) If the voter has not changed address of legal residence or has changed address of legal residence within the county, the voter should return the return form within 30 days after the date of the notice.

(b) If the return form is not returned and the voter does not offer to vote by the second general election thereafter, the voter's name will be removed from the voter registration books.

(c) If the voter has changed address of legal residence to a location outside the county:

1. The voter should return the return form, which will serve as a request to be removed from the registration books; and

2. The voter will be provided with information on how to register in the new jurisdiction in order to be eligible to vote.

Section 28. Section 98.065, Florida Statutes, is created to read:

98.065 Registration list maintenance programs.—

(1) The supervisor must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's biennial registration list maintenance program under which:

(a) Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed;

(b) Change-of-address information is identified from returned non-forwardable return-if-undeliverable mail sent to all registered voters in the county; or

(c) Change-of-address information is identified from returned non-forwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, in each odd-numbered year and must be completed not later than 90 days prior to the date of any federal election. A voter's name may not be removed from the registration books later than 90 days prior to the date of a federal election. However, nothing in this section shall preclude the removal of the name of a voter from the voter registration books, at any time and without prior notification, upon the written request of the voter, by reason of conviction of the voter of a felony, by reason of adjudication of the voter as mentally incapacitated with respect to voting, by reason of the death of the voter, or upon a determination of ineligibility as provided in s. 98.075(3).

(4) If the supervisor receives change-of-address information from the United States Postal Services or its licensees or from jury notices signed by the voter and returned to the courts, which indicates that:

(a) The voter has moved within the supervisor's county, the supervisor must change the registration records to show the new address and must send the voter a notice of the change by forwardable mail, including a postage prepaid preaddressed return form with which the voter may verify or correct the address information.

(b) The voter has moved outside the supervisor's county, or contains no forwarding address, the supervisor shall send an address confirmation final notice and remove the name of the voter from the registration record if that voter did not:

1. Return the postage prepaid preaddressed return form;
2. Appear to vote;
3. Change the voter's registration; or
4. Request an absentee ballot

during the period beginning on the date when the address confirmation final notice was sent and ending on the day after the date of the second general election thereafter.

(5) The supervisor must designate as inactive all voters who have been sent an address-confirmation final notice and who have not returned the postage prepaid preaddressed return form within 30 days. A voter on the inactive list must be allowed to vote and to change the voter's name or address of legal residence at the polls pursuant to s. 101.045. Names on the inactive list may not be used to calculate the number of signatures needed on any petition or the quantity of voting equipment needed.

Section 29. Section 98.075, Florida Statutes, is created to read:

98.075 Other registration list maintenance activities.—

(1) The supervisor may send an address confirmation request to any voter whose name is on the list of drivers who have been removed by the Department of Highway Safety and Motor Vehicles from its driver's license data base by reason of being licensed in another state. If the address confirmation request is returned to the supervisor by the United States Postal Service with change-of-address information, the supervisor must proceed in accordance with the procedures in s. 98.065(4).

(2) The supervisor may send an address confirmation request to any voter whom the supervisor has reason to believe has moved from his legal residence. If the address confirmation request is returned to the supervisor by the United States Postal Service with change-of-address information, the supervisor must proceed in accordance with the procedures in s. 98.065(4).

(3)(a) When the supervisor believes that a voter is not at least 18 years of age, is not a citizen of the United States, is a fictitious person, or has listed a residence that is not his legal residence, the supervisor must notify the person at his last known address by certified mail. If there is evidence that the notice was not received, notice must be given by publication in a newspaper of general circulation in the county where the person was last registered or last known. The notice by publication must run one time. The notification must plainly state that the registration is allegedly invalid and must be in the form of a notice to show cause why the person's name should not be removed from the registration books. The notice must state a time and place for the person so notified to appear before the supervisor to show cause why his name should not be removed.

(b) Upon hearing all evidence in an administrative hearing, the supervisor must determine whether there is sufficient evidence to strike the person's name from the registration books. If the supervisor determines that there is sufficient evidence, he must strike the name.

(c) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his name was erroneously or illegally stricken from the registration books or that he is indigent, he must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

Section 30. Section 98.081, Florida Statutes, is amended to read:

98.081 ~~Removal of Names removed from registration books; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names procedure.—~~

(1) ~~During each odd-numbered year, the supervisor shall mail, to each elector who, during the past 2 years, did not vote in any election in the~~

~~county or did not make a written request that his registration records be updated, a form to be filled in, signed, and returned by mail within 30 days after the notice is postmarked. The form returned shall advise the supervisor whether the elector's status has changed from that of the registration record. Electors failing to return the forms within this period shall have their names withdrawn temporarily from registration books. In addition, the name of an elector may be removed temporarily from the registration books when any first class mail sent by the supervisor to the elector is returned as undeliverable. Such name shall not be removed until a diligent effort has been made by the supervisor to locate such elector. This shall constitute such notice for purposes of this section. The list of the electors temporarily withdrawn shall be posted at the courthouse. When the list is completed, the supervisor shall provide a copy thereof, upon request, to the chairman of the county executive committee of any political party, and the supervisor may charge the actual cost of duplicating the list. A name shall be restored to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. A federal postcard application from a citizen overseas indicating that the elector's status has not changed shall constitute such a written notification to the supervisor. The supervisor shall then reinstate the name on the registration books without requiring the elector to reregister. Notice of these requirements shall be printed on the voter registration identification card. This method prescribed for the removal of names is cumulative to other provisions of law relating to the removal of names from registration books. This is not a reregistration but a method to be used for keeping the permanent registration list up to date.~~

~~(2) The name of any elector temporarily withdrawn from the registration books shall be removed from such books if the elector fails to respond to the notice mailed pursuant to subsection (1) within 2 years from the date the last such notice was mailed to him, and such person shall be required to reregister to have his name restored to the registration books. Receipt of a federal postcard application shall constitute written authorization for such a reregistration.~~

~~(3) Any elector may have his name removed from the registration books by filing with the supervisor a written request, duly acknowledged, and upon receipt of such request the supervisor shall remove the name of the elector from the registration books. Any person who requested that his whose name be is removed from the registration books between the book-closing date of the first primary and the date of the second primary may subsequent general election shall not register in a different political party until after the date of the second first primary and before the subsequent general election.~~

~~(2)(4) When the name of any elector is removed from the registration books pursuant to s. 98.065, s. 98.075, this section, s. 98.201, or s. 98.093 98.301, his original registration form shall be filed alphabetically in the office of the supervisor. As alternatives, registrations registration forms removed from the registration books may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the department of State.~~

~~(3)(5) When the name of any elector has been erroneously or illegally removed from the registration books pursuant to this section, s. 98.201, or s. 98.301, the name of the elector shall be restored by the supervisor upon satisfactory proof, even though the registration period for that election is books are closed.~~

Section 31. Section 98.091, Florida Statutes, is transferred and renumbered as section 101.002, Florida Statutes.

Section 32. Section 98.301, Florida Statutes, is transferred and renumbered as section 98.093, Florida Statutes, and amended to read:

98.093 ~~98.301~~ Duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated incompetent, and persons convicted of a felony.—

(1) The Department of Health and Rehabilitative Services shall furnish monthly to each supervisor of elections a list containing the name, address, date of birth age, race, and sex of each deceased person 17 18 years of age or older who was a resident of such supervisor's county.

(2) Each clerk of the circuit court shall, at least once each month, deliver to ~~each the~~ supervisor of elections ~~his county~~ a list stating the name, address, ~~date of birth age~~, race, and sex of each person convicted of a felony during the preceding calendar month ~~who was a resident of that supervisor's county~~, a list stating the name, address, ~~date of birth age~~, race, and sex of each person adjudicated mentally ~~incapacitated with respect to voting incompetent~~ during the preceding calendar month ~~who was a resident of that supervisor's county~~, and a list stating the name, address, ~~date of birth age~~, race, and sex of each person whose mental capacity with respect to voting ~~competency~~ has been restored ~~who was a resident of that supervisor's county~~.

(3) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall immediately forward such information to the supervisor of elections for the county where the offender resides.

(4)(3) Upon receipt of any such list, the supervisor shall remove from the registration books the name of any person listed who is deceased, convicted of a felony, or adjudicated mentally ~~incapacitated with respect to voting incompetent~~. A person ~~Persons~~ who ~~has have~~ had his or her ~~their~~ mental capacity with respect to voting ~~competency~~ restored or who ~~has have~~ had his or her right to vote ~~their civil rights~~ restored after conviction of a felony shall be required to reregister to have ~~his or her name~~ ~~their names~~ restored to the registration books.

(5)(4) Nothing in this section shall limit or restrict the supervisor in his duty to remove the names of such persons from the registration books after verification of information received from other sources ~~as provided in s. 98.201 or other provisions of this code~~.

Section 33. Section 98.211, Florida Statutes, is transferred and renumbered as section 98.095, Florida Statutes, and subsection (3) of that section is amended, to read:

98.095 ~~98.211~~ County registers open to inspection; copies.—

(3) Any person who acquires a precinct list from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form:

I hereby swear or affirm that I am a person authorized by s. 98.095 ~~s. 98.211~~, Florida Statutes, to acquire information on registered voters of . . . County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

. . . (Signature of person acquiring list) . . .

Sworn to and subscribed before me this . . . day of . . . , 19. . . .

. . . (Signature and title of person administering oath) . . .

Section 34. Subsection (4) is added to section 98.212, Florida Statutes, to read:

98.212 Supervisors to furnish statistical and other information.—

(4) *The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.*

Section 35. Section 98.321, Florida Statutes, is transferred and renumbered as section 102.155, Florida Statutes.

Section 36. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.—A registration form, approved by the Department of State, containing the information required in s. 97.052 ~~s. 98.111~~ shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Infor-

mation Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout may be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex; race; state or country of birth; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. The precinct register may also contain a list of the forms of identification approved by the Department of State, which shall include, but not be limited to, the voter registration identification card and Florida driver's license. The precinct register may also contain a space for the elector's signature, a space for the initials of the witnessing clerk or inspector, and a space for the signature slip or ballot number.

Section 37. Subsections (1) and (2) of section 101.694, Florida Statutes, are amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.—

(1) Upon receipt of a federal postcard application for an absentee ballot executed by a person whose registration is in order ~~or whose application is sufficient to register or update the registration of that person~~, the supervisor of elections shall mail to the applicant a ballot, if the ballots are available for mailing.

(2) Upon receipt of a federal postcard application for an absentee ballot executed by a person whose registration is not in order ~~and whose application is insufficient to register or update the registration of that person~~, the supervisor of elections shall follow the procedure set forth in s. 97.073 ~~subsection (3) or subsection (4) of s. 101.692, where applicable~~.

Section 38. Section 104.011, Florida Statutes, is amended to read:

104.011 False swearing; *submission of false voter registration information*.—

(1) ~~A person who~~ ~~Whoever~~ willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting, ~~registration~~, or elections ~~commits is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(2) ~~A person who~~ ~~willfully submits any false voter registration information commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 39. Section 104.012, Florida Statutes, is amended to read:

104.012 Consideration for registration; *interference with registration; soliciting registrations for compensation*.—

(1) Any person who gives anything of value that is redeemable in cash to any person in consideration for his becoming a registered voter ~~commits is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083~~. This section shall not be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.

(2) ~~A person who~~ ~~by bribery, menace, threat, or other corruption, directly or indirectly, influences, deceives, or deters or attempts to influence, deceive, or deter any person in the free exercise of that person's right to register to vote at any time, upon the first conviction, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon any subsequent conviction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(3) ~~A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 40. Section 104.013, Florida Statutes, is amended to read:

THE PRESIDENT PRESIDING

On motions by Senator Jones, by two-thirds vote—

HB 2589—A bill to be entitled An act relating to defense conversion and transition; amending s. 288.03, F.S.; requiring the Division of Economic Development of the Department of Commerce to provide assistance to local governments or certain community base reuse commissions for certain purposes; creating s. 288.971, F.S.; providing legislative findings; creating s. 288.972, F.S.; providing legislative intent; creating s. 288.973, F.S.; creating the Florida Defense Conversion and Transition Commission; providing for membership; providing for meetings of the commission; providing for staff support; providing for travel and per diem expenses; providing for future repeal; creating s. 288.974, F.S.; providing for powers and duties of the commission; requiring the commission to develop a state plan of action for certain purposes; requiring an annual report; providing for future repeal; creating s. 288.975, F.S.; providing for military base reuse planning; providing definitions; providing for components of the military base reuse plan; providing requirements for use and adoption of a military base reuse plan; providing for plan time limits; providing for dispute resolution by the Administration Commission; creating s. 288.976, F.S.; providing powers and duties for certain state agencies and departments; creating s. 288.977, F.S.; providing for disposition of military base property; creating s. 288.980, F.S.; providing for the creation of a grant program to assist communities with military installations that would be adversely affected by base realignment or closure actions; providing definitions; providing eligibility requirements; amending s. 403.953, F.S.; providing for eligibility under the Jobs Siting Act for certain projects located on closed military installations; providing an effective date.

—a companion measure, was substituted for **CS for SB 2372** and by two-thirds vote read the second time by title. On motion by Senator Jones, by two-thirds vote **HB 2589** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 2784—A bill to be entitled An act relating to education; clarifying responsibilities of the Department of Education, school districts, and child care providers for meeting the first state education goal, readiness to start school; requiring the Department of Education to develop a state plan for the Chapter I program; prohibiting a school district from reporting for funding any kindergarten students unless the district has collected the key data elements for the first state education goal; amending s. 20.19, F.S.; requiring district administrators of the Department of Health and Rehabilitative Services to cooperate with district school superintendents to meet the first state education goal; amending s. 230.23, F.S.; requiring school districts to cooperate with other agencies to prepare children and families for children's success in school; amending s. 230.2305; requiring a school district's plans for the prekindergarten early intervention program to assist the school district in meeting the first state education goal and to state how the program supports the district's efforts to achieve that goal; revising the membership of the district interagency coordinating councils; amending s. 230.33, F.S.; requiring district school superintendents to cooperate with the district administrator of the Department of Health and Rehabilitative Services and administrators of local public and private agencies to meet the first state education goal; creating s. 233.059, F.S.; requiring education for family life and parenthood; amending s. 402.3015, F.S.; requiring subsidized child care programs serving children below age 5 to provide the elements necessary to prepare children for school; requiring the Department of Health and Rehabilitative Services to seek federal waivers if necessary; amending s. 409.933, F.S.; requiring parental activities for AFDC recipients; amending s. 409.938, F.S.; requiring AFDC recipients to submit proof that their children have received standard childhood immunizations; providing sanctions; providing for transfer of funds from the Department of Health and Rehabilitative Services to school districts; amending s. 421.10, F.S.; requiring a housing authority to require certain parental activities in the lease to parents of dependent children; amending s. 411.222, F.S.; establishing the role of the State Coordinating Council for Early Childhood Services to coordinate agency activities to enable school districts to meet the first state education goal, readiness to start school; requiring home economics teachers to be certified as counselors in family life education; requiring the Department of Health and Rehabilitative Services and the

Department of Education to develop minimum performance standards for all early education and care programs that serve children from birth through 5 years of age; requiring those departments to submit a joint report to the Legislature by October 1, 1994, presenting the performance standards and recommending funding procedures; providing an effective date.

—was read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB 2784** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 1852—A bill to be entitled An act relating to state moneys; amending s. 215.32, F.S.; revising the funds into which all moneys received by the state must be deposited and within which they must be accounted for; specifying the manner of dividing these moneys into these funds; specifying the use and investment of moneys in these funds; repealing s. 212.081(4), F.S., and amending ss. 216.221, 252.37, F.S.; conforming provisions pertaining to the existing funds to this revision; repealing s. 420.5094, F.S., relating to the repayment of certain loans by the Florida Housing Finance Agency; amending ss. 265.51, 265.55, F.S.; restricting authority of the Department of State to make agreements to indemnify for certain losses, and of the Comptroller to pay such claims, to specific appropriations for that purpose; providing an effective date.

—was read the second time by title.

Senator Crenshaw moved the following amendment:

Amendment 1—On page 5, strike line 13 and insert: provided by s. 215.18; however, under no circumstances may a transfer be made pursuant to s. 215.18 for a deficit occurring in the Election Campaign Financing Trust Fund. If the Comptroller determines that

On motion by Senator Jenne, further consideration of **CS for SB 1852** with pending **Amendment 1** was deferred.

SENATOR SCOTT PRESIDING

On motions by Senator Kurth, by two-thirds vote—

CS for CS for HB 1087—A bill to be entitled An act relating to child support enforcement; transferring the child support enforcement program from the Department of Health and Rehabilitative Services to the Department of Revenue; providing for existing rules and pending proceedings; requiring the Department of Health and Rehabilitative Services to provide certain services to the Department of Revenue; authorizing the Department of Revenue to enter into contracts for services; providing for consideration of certain employees by firms under privatization contract; transferring the Clerk of the Court Child Support Enforcement Collection System Trust Fund and the Child Support Enforcement Application and User Fee Trust Fund to the Department of Revenue; amending s. 20.19, F.S.; abolishing the Child Support Enforcement Program Office within the Department of Health and Rehabilitative Services; amending s. 20.21, F.S.; creating a Division of Child Support Enforcement within the Department of Revenue; amending ss. 409.2554, 409.2561, and 409.2567, F.S.; designating the Department of Revenue as the state agency responsible for the administration of the child support enforcement program under Title IV-D of the Social Security Act; amending ss. 61.046 and 61.16, F.S.; redefining "department" as the Department of Revenue for purposes of provisions relating to child support enforcement; amending ss. 88.031 and 88.171, F.S.; redefining "department" as the Department of Revenue under the Revised Uniform Reciprocal Enforcement of Support Act; amending ss. 90.502, 213.053, 287.059, and 411.222, F.S., to conform; authorizing the Department of Health and Rehabilitative Services to contract with the Department of Revenue for services prior to the transfer; granting the Department of Revenue specified budget flexibility for fiscal year 1994-1995; directing the Division of Statutory Revision to prepare a reviser's bill; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1424** and by two-thirds vote read the second time by title.

Senator Kurth moved that the rules be waived and CS for CS for HB 1087 be read the third time by title. The motion was adopted by the required two-thirds vote. The vote was:

Yeas—32 Nays—5

CS for CS for HB 1087 passed and was certified to the House. The vote on passage was:

Yeas—29 Nays—8

THE PRESIDENT PRESIDING

CS for CS for SB's 1564, 1736 and 2194—A bill to be entitled An act relating to criminal penalties; requiring the court to sentence a defendant to life in prison if the defendant is convicted of a forcible felony, or other offense, at specified levels, and the defendant has two or more prior offenses that are or would be forcible felonies, or other offenses, at specified levels on the sentencing guidelines, if such offenses were committed in this state on or after the sentencing guidelines became effective; providing an effective date.

—was read the second time by title.

Senator Jones moved the following amendments which failed:

Amendment 1 (with Title Amendment)—On page 1, strike line 29 and insert: shall sentence a defendant to a term of

And the title is amended as follows:

In title, on page 1, strike all of lines 3 and 4 and insert: prohibiting the early release of a defendant sentenced to prison if the defendant is convicted of

Amendment 2—On page 2, between lines 25 and 26, insert:

(2) Notwithstanding s. 776.08, Florida Statutes, the definition of forcible felony for the purposes of this section, shall exclude felony convictions under s. 810.02, Florida Statutes, for unarmed burglary of an unoccupied dwelling or unoccupied structure when the offender makes no assault or battery upon any person.

(Renumber subsequent subsection.)

Senator Silver moved the following amendment which was adopted:

Amendment 3—On page 2, line 31, after the period (.) insert:

(3) The felony for which a defendant is sentenced under this section must have been committed within 10 years after the date of conviction for the person's last prior felony, or must have been committed within 10 years after the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction, whichever is later.

Senator Grogan moved the following amendment which was adopted:

Amendment 4 (with Title Amendment)—On page 3, line 1, insert:

Section 2. Subsection (1) of section 960.001, Florida Statutes, is amended, present subsections (2), (3), (4), (5), and (6) of that section are redesignated as subsections (3), (4), (5), (6), and (7), respectively, and new subsections (2) and (8) are added to that section, to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Parole Commission, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff's department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement the provisions of s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(a) Information concerning services available to victims of adult and juvenile crime.—Witness coordination offices as provided in s. 43.35 shall

gather information regarding the following services in the geographic boundaries of their respective circuits and shall provide such information to each law enforcement agency with jurisdiction within such geographic boundaries. Law enforcement personnel shall ensure, through distribution of a victim's rights information card or brochure at the crime scene, during the criminal investigation, and in any other appropriate manner, that victims are given, as a matter of course at the earliest possible time, information about:

1. The availability of crime victim compensation, when applicable;
2. Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;
3. The role of the victim in the criminal or juvenile justice process, including what the victim may expect from the system as well as what the system expects from the victim;
4. The stages in the criminal or juvenile justice process which are of significance to the victim and the manner in which information about such stages can be obtained;
5. The right of a victim, who is not incarcerated, including the next of kin of a homicide victim, to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that this right does not interfere with constitutional rights of the accused, as provided by s. 16(b), Art. I of the State Constitution;
6. In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings and parole proceedings; and
7. The right of a victim to a prompt and timely disposition of the case in order to minimize the period during which the victim must endure the responsibilities and stress involved to the extent that this right does not interfere with the constitutional rights of the accused.

(b) *Information for purposes of notifying victim.*—Each victim shall be requested to fill out a victim notification card that provides information necessary to contact the victim. The arresting law enforcement officer or personnel of an organization that provides victim assistance may fill out a notification card on behalf of the victim. A copy of the victim notification information shall be filed with the warrant in the sheriff's office of the jurisdiction in which the warrant was issued. The chief correctional officer of a county jail, municipal jail, juvenile detention facility, or involuntary commitment facility shall attempt to notify the relative of a homicide victim and the victim of a sex offense, an attempted murder or attempted sex offense, stalking, or domestic violence by telephone within 4 hours following the release of the accused on bail. If such correctional officer is unable to contact the victim by telephone, he must send written notice to the victim of such release. The information contained on the victim notification card must be provided to the holding institution following the incarceration of the offender, and the victim shall be notified of the release of the offender from incarceration as provided in paragraph (e) or paragraph (f). If an accused or an offender was arrested pursuant to a warrant issued in a jurisdiction other than the jurisdiction in which the accused or offender is released on bail or furlough, the chief correctional officer of the jurisdiction releasing the accused or the offender shall immediately notify the sheriff of the jurisdiction in which the warrant was issued, and the sheriff shall notify the victim, as provided in this paragraph, that the accused or the offender has been or will be released.

(c)(b) *Information concerning protection available to victim or witness.*—A victim or witness shall be furnished, as a matter of course, with information on steps that are available to law enforcement officers and state attorneys to protect victims and witnesses from intimidation.

(d)(e) *Notification of scheduling changes.*—Each victim or witness who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency scheduling his appearance of any change in scheduling which will affect his appearance.

(e)(d) *Advance notification to victim or relative of victim concerning judicial proceedings; right to be present.*—Any victim, relative of a minor who is a victim, or relative of a homicide victim shall receive from the appropriate agency, at the address found in the police report or the victim notification card ~~other criminal report or at a more current address~~ if such has been provided to the agency, prompt advance notification, unless the agency itself does not have advance notification, of judicial and postjudicial proceedings relating to his case, including all proceedings or hearings relating to:

1. The arrest of an accused;
2. The release of the accused pending judicial proceedings or any modification of release conditions; and
3. Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, the arraignment, disposition of the accusatory instrument, trial or adjudicatory hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of a judgment, and, when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention, or commitment by expiration of sentence or parole and any meeting held to consider such release.

A victim or a victim's next of kin may not be excluded from any portion of any hearing, trial, or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial. The appropriate agency with respect to notification under subparagraph 1. is the arresting law enforcement agency, and the appropriate agency with respect to notification under subparagraphs 2. and 3. is the Attorney General or state attorney, unless the notification relates to a hearing concerning parole, in which case the appropriate agency is the Parole Commission. The Department of Corrections, the Department of Health and Rehabilitative Services, or the sheriff is the appropriate agency with respect to release by expiration of sentence or any other release program provided by law. *The victim must be notified at least 10 days before the offender is released from incarceration.* Any victim may waive notification at any time, and such waiver shall be noted in the agency's files.

(f) *Information concerning release from incarceration from a county jail, municipal jail, juvenile detention facility, or involuntary commitment facility.—The chief correctional officer of a county jail, municipal jail, juvenile detention facility, or involuntary commitment facility shall attempt to notify the relative of a homicide victim and the victim of a sex offense, an attempted murder or attempted sex offense, stalking, or domestic violence at least 10 days before the offender is released from incarceration. If notification 10 days before release is not possible due to the duration of the inmate's sentence, the chief correctional officer must immediately notify the victim of the release by telephone and in writing. If the offender is released following trial, the chief correctional officer shall attempt to notify the victim by telephone within 4 hours following the release of the accused.*

(g)(e) *Consultation with victim or guardian or family of victim.—In addition to being notified of the provisions of s. 921.143, the victim of a felony involving physical or emotional injury or trauma or, in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought as a result of such crime, including the views of the victim or family about:*

1. The release of the accused pending judicial proceedings;
2. Plea agreements;
3. Participation in pretrial diversion programs; and
4. Sentencing of the accused.

(h)(f) *Return of property to victim.—Law enforcement agencies and the state attorney shall promptly return a victim's property held for evidentiary purposes unless there is a compelling law enforcement reason for retaining it. The trial or juvenile court exercising jurisdiction over the criminal or juvenile proceeding may enter appropriate orders to implement the provisions of this subsection, including allowing photographs of the victim's property to be used as evidence at the criminal trial or the juvenile proceeding in place of the victim's property when no substantial evidentiary issue related thereto is in dispute.*

(i)(g) *Notification to employer and explanation to creditors of victim or witness.—A victim or witness who so requests shall be assisted by law enforcement agencies and the state attorney in informing his employer that the need for victim and witness cooperation in the prosecution of the case may necessitate the absence of that victim or witness from work. A victim or witness who, as a direct result of a crime or of his cooperation with law enforcement agencies or a state attorney, is subjected to serious financial strain shall be assisted by such agencies and state attorney in explaining to the creditors of such victim or witness the reason for such serious financial strain.*

(j)(h) *Notification of right to request restitution.—Law enforcement agencies and the state attorney shall inform the victim of the victim's right to request and receive restitution pursuant to s. 39.054(1)(a) or s. 775.089, and of the victim's rights of enforcement under ss. 39.022 and 775.089(5) in the event an offender does not comply with a restitution order. The state attorney shall seek the assistance of the victim in the documentation of the victim's losses for the purpose of requesting and receiving restitution. In addition, the state attorney shall inform the victim if and when restitution is ordered.*

(k)(i) *Notification of right to submit impact statement.—The state attorney shall inform the victim of the victim's right to submit an oral or written impact statement pursuant to s. 921.143 and shall assist in the preparation of such statement if necessary.*

(l)(j) *Local witness coordinating office.—The requirements for notification provided for in paragraphs (b), (d), (e), (f), and (i) (e), (d), and (g) may be performed by the local witness coordinating office established by s. 43.35, as appropriate.*

(m)(k) *Victim assistance education and training.—Victim assistance education and training shall be offered to persons taking courses at law enforcement training facilities and to state attorneys and assistant state attorneys so that victims may be promptly, properly, and completely assisted.*

(n)(l) *General victim assistance.—Victims and witnesses shall be provided with such other assistance, such as transportation, parking, separate pretrial waiting areas, and translator services in attending court, as is practicable.*

(o)(m) *Victim's rights information card or brochure.—A victim of a crime shall be provided with a victim's rights information card or brochure containing essential information concerning the rights of a victim and services available to a victim as required by state law.*

(p)(n) *Information concerning escape from a state correctional institution, county jail, juvenile detention facility, or involuntary commitment facility.—In any case where an offender escapes from a state correctional institution, county jail, juvenile detention facility, or involuntary commitment facility, immediate notification shall be made by the institution of confinement to the state attorney of the jurisdiction where the criminal charge or petition for delinquency arose. The state attorney shall thereupon make every effort to notify the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relatives of a homicide victim of the escapee. The state attorney shall also notify the sheriff of the county where the criminal charge or petition for delinquency arose. The sheriff shall offer assistance upon request.*

(q)(o) *Presence of victim advocate during discovery deposition.—At the request of the victim, the victim advocate designated by state attorney's office, sheriff's office, or municipal police department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups shall be permitted to attend and be present during any deposition of the victim.*

(2) *The Secretary of Corrections, the Secretary of Juvenile Justice, any state attorney, sheriff, or chief correctional officer, or their respective designee, who acts in good faith in attempting to comply with the provisions of this part with respect to timely victim notification, is immune from civil or criminal liability for an inability to timely notify the victim of such information. However, this subsection does not relieve any person from liability if such person is guilty of negligence.*

(8) *As used in this section, the term "chief correctional officer" includes the chief administrator of any involuntary detention facility that is not operated by a sheriff.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 12, after the semicolon (;) insert: amending s. 960.001, F.S.; providing for obtaining information for notifying the victim of a crime of the release of the offender; requiring the chief correctional officer of a county jail, municipal jail, juvenile detention facility, or involuntary commitment facility to notify certain victims and relatives of victims of the release on bail of the accused offender; providing for notification of the victim if the accused or the offender is released from custody in a jurisdiction other than the jurisdiction in which the warrant was

issued; requiring the chief correctional officer of a county jail, municipal jail, juvenile detention facility, or involuntary commitment facility to notify certain victims of the release of the offender; providing immunity from liability based on a good-faith attempt to comply with timely victim notification; defining the term "chief correctional officer";

On motion by Senator Silver, by two-thirds vote **CS for CS for SB's 1564, 1736 and 2194** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—1

SENATOR CHILDERS PRESIDING

SB 1566—A bill to be entitled An act relating to sentencing for crimes; amending s. 775.087, F.S.; prescribing a mandatory minimum sentence of imprisonment for a person convicted of any of specified crimes if the person willfully discharged a firearm; prescribing a mandatory minimum sentence of imprisonment with respect to a second or subsequent imposition of a mandatory minimum sentence of imprisonment for any of specified crimes if the person had in his possession a firearm or destructive device, the person willfully discharged a firearm, or the person had in his possession a semiautomatic firearm with a high-capacity detachable box magazine or a machine gun; prohibiting the withholding of adjudication of guilt or the suspension or deferral of sentence in such cases; providing that an offender sentenced to a mandatory term of imprisonment in any of such cases is not eligible for any form of gain-time or early release; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike everything after the enacting clause and insert:

Section 1. This act may be cited as the "High-Noon Act."

Section 2. Paragraph (t) is added to subsection (3) of section 921.0016, Florida Statutes, to read:

921.0016 Recommended sentences; departure sentences; aggravating and mitigating circumstances.—

(3) Aggravating circumstances under which a departure from the sentencing guidelines is reasonably justified include, but are not limited to:

(t) *The offense before the court involved a reckless shooting that killed a bystander who did nothing to provoke the shooting.*

Section 3. Paragraph (l) is added to subsection (5) of section 921.141, Florida Statutes, to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(5) **AGGRAVATING CIRCUMSTANCES.**—Aggravating circumstances shall be limited to the following:

(l) *The victim of the capital felony was under 12 years of age.*

Section 4. Section 775.087, Florida Statutes, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(1) Unless otherwise provided by law, whenever a person is charged with a felony, except a felony in which the use of a weapon or firearm is an essential element, and during the commission of such felony the person ~~defendant~~ carries, displays, uses, threatens, or attempts to use any weapon or firearm, or during the commission of such felony the person ~~defendant~~ commits an aggravated battery, the felony for which the person is charged shall be reclassified as follows:

(a) In the case of a felony of the first degree, to a life felony.

(b) In the case of a felony of the second degree, to a felony of the first degree.

(c) In the case of a felony of the third degree, to a felony of the second degree.

(2)(a) Any person who is convicted of:

1.—~~Any~~ murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with intent to commit a felony, or aircraft piracy; ~~an, or any~~ attempt to commit any of the aforementioned crimes; or a

2.—~~Any~~ battery upon a law enforcement officer or firefighter while the officer or firefighter is engaged in the lawful performance of his duties, and who:

1. Had in his possession a "firearm," as defined in s. 790.001(6), or a "destructive device," as defined in s. 790.001(4), shall be sentenced to a minimum term of imprisonment of 3 calendar years; or

2. Willfully discharged a "firearm," as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 calendar years.

(b) Any person who is convicted of any of the crimes specified listed in this paragraph (a) or of the sale, manufacture, delivery, or purchase of a controlled substance, or the possession with intent to distribute a ~~any~~ controlled substance, and who had in his possession a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun, as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 8 calendar years.

(c) If an offender who is being sentenced to a minimum term of imprisonment under paragraph (a) or paragraph (b) has ever previously received a sentence of imprisonment under either paragraph, the offender shall be sentenced to a minimum term of imprisonment of 25 calendar years.

(d) Notwithstanding the provisions of s. 948.01, adjudication of guilt or imposition of sentence with respect to an offender described in this subsection may ~~shall~~ not be suspended, deferred, or withheld; nor is such offender ~~shall the defendant be~~ eligible for any form of parole or statutory gain-time under s. 944.275, or any form of early release, before prior to serving the such minimum sentence imposed under this subsection.

(e)(b) As used in this subsection, the term:

1. "High-capacity detachable box magazine" means any detachable box magazine, for use in a semiautomatic firearm, which is capable of being loaded with more than 20 centerfire cartridges.

2. "Semiautomatic firearm" means a firearm which is capable of firing a series of rounds by separate successive depressions of the trigger and which uses the energy of discharge to perform a portion of the operating cycle.

Section 5. This act shall take effect July 1, 1994.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-22 and insert: An act relating to sentencing; creating the "High-Noon Act"; amending s. 921.0016, F.S.; providing an additional circumstance under which a judge may impose a sentence that is more severe than the sentence recommended under the sentencing guidelines; amending s. 921.141, F.S.; providing an additional circumstance under which a judge may impose the death penalty, notwithstanding the recommendation of the jury; amending s. 775.087, F.S.; prescribing a mandatory minimum sentence of imprisonment for a person convicted of any of specified crimes if the person willfully discharged a firearm; prescribing a mandatory minimum sentence of imprisonment with respect to a second or subsequent imposition of a mandatory minimum sentence of imprisonment for any of specified crimes if the person had in his possession a firearm or destructive device, the person willfully discharged a firearm, or the person had in his possession a semiautomatic firearm with a high-capacity detachable box magazine or a machine gun; prohibiting the withholding of adjudication of guilt or the suspension or deferral of sentence in such cases; providing that an offender sentenced to a mandatory term of imprisonment in any of such cases is not eligible for any form of gain-time or early release; providing an effective date.

On motion by Senator Silver, further consideration of **SB 1566** as amended was deferred.

The Senate resumed consideration of—

CS for SB 2156—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; establishing the Florida Turnpike as the eighth district of the Department of Transportation; amending s. 253.034, F.S.; providing for an easement to be granted in perpetuity for certain transportation facilities; amending s. 311.07, F.S.; eliminating the designated program account of the Florida Seaport Transportation and Economic Development Program; authorizing funds to be expended for the acquisition of economic benefit and trade data; amending s. 311.09, F.S.; adding members to the Florida Seaport Transportation and Economic Development Council; eliminating the references to the designated program account of the Florida Seaport Transportation and Economic Development Program; updating a reference to the name of the program; amending s. 316.545, F.S.; providing penalties for operating a commercial motor vehicle without a valid registration; providing penalties for operating a commercial motor vehicle with an excess axle weight or an excess gross vehicle weight; providing procedures for enforcing such penalties; amending s. 316.550, F.S.; providing for a truck crane operated under a special permit to be taxed under s. 320.08(5)(b), F.S.; amending s. 330.30, F.S.; extending the expiration date of licenses for certain private and limited airports; amending s. 332.004, F.S.; revising the definition of "airport or aviation development project"; amending s. 332.006, F.S.; revising the state aviation system plan specifications; amending s. 332.007, F.S.; prohibiting retroactive reimbursement by the Department of Transportation for certain airport land acquisition before the execution of certain documents; amending s. 335.093, F.S., relating to scenic highway designation; providing that such a designation is not intended to limit specified uses of adjacent areas; amending s. 336.025, F.S.; requiring periodic review of any interlocal agreement which provides the method of distribution of motor fuel and special fuel taxes; amending s. 337.015, F.S.; providing flexible start and finish times for construction projects; amending s. 337.11, F.S.; authorizing the secretary to waive competitive bidding provisions to issue limited, interim maintenance contracts; amending s. 337.16, F.S.; requiring the department to notify a contractor that he is disqualified from bidding on other state contracts until he complies with an existing contract; amending s. 337.18, F.S.; revising the provisions that require the department to assess damages each day against a contractor who fails to complete a state or federally funded project within the required time period; amending s. 337.25, F.S.; providing for federally owned properties to be eligible for participation in the functionally equivalent replacement facility program; authorizing the department to sell certain surplus property valued at less than \$10,000 by sealed competitive bid to the highest bidder without an appraisal; deleting the provision for payment of appraisal costs by potential purchasers; permitting the department to negotiate a sale of surplus property with an owner of abutting property if the department provides notice to all owners of abutting property; amending s. 337.276, F.S.; authorizing the issuance of bonds for right-of-way acquisition for revenue-producing facilities; providing for reimbursement of the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 337.407, F.S.; authorizing a county to remove signs from the right-of-way of the county road system; amending s. 338.065, F.S.; deleting a reference to certain types of signs for which the Department of Transportation may charge a placement fee; amending s. 338.155, F.S.; exempting drivers of motor vehicles of the Florida National Guard and exempting sworn law enforcement officers who are driving marked motor vehicles and on official business from paying tolls at toll facilities; authorizing the department to suspend the collection of tolls during emergency evacuations; amending s. 338.223, F.S.; providing that, under certain circumstances, funds allocated to turnpike projects do not have to be reimbursed to the State Transportation Trust Fund; amending s. 338.2275, F.S.; renaming the North Suncoast Corridor Project and describing the project; deleting the maximum expenditures allocated for approved turnpike projects; amending s. 338.234, F.S.; authorizing concessions, services, and public events at turnpike plazas; amending s. 338.235, F.S.; authorizing the department to contract for concessions or services on the turnpike; repealing s. 338.244, F.S., which prohibits certain expenditures to advertise the turnpike system; amending s. 338.251, F.S.; deleting the requirement that local government repayment to the Toll Facilities Revolving Trust Fund include interest; amending s. 339.145, F.S.; deleting a budget appropriation category for the services provided by the Burns Data Center; amending s. 341.052, F.S.; revising a reference to a report to the Urban Mass Transportation Administration; amending s. 343.72, F.S.; redefining the term "commuter rail facilities" for the purposes of the Tampa Bay Commuter Rail Authority Act; amending s. 343.73, F.S.; adding members to the governing board of the

authority; amending s. 343.74, F.S.; expanding the area in which the Tampa Bay Commuter Rail Authority may operate to include Hernando County and Polk County; amending s. 348.7544, F.S.; providing authority for the Orlando-Orange County Expressway Authority to finance, operate, and maintain the Northwest Beltway Part A; creating s. 348.7545, F.S.; authorizing the Orlando-Orange County Expressway Authority to construct, finance, operate, and maintain the Western Beltway Part C; amending s. 479.01, F.S.; providing definitions; amending s. 479.03, F.S.; authorizing the department to cross private property in order to remove illegal signs under specified conditions; amending s. 479.04, F.S.; requiring a person engaged in the business of outdoor advertising to obtain a license and deleting an exception; amending s. 479.07, F.S.; amending deadlines relating to sign permits; requiring the permittee to provide the department with a written notice of cancellation; imposing penalties upon a permittee for reinstating a permit that was cancelled because of the permittee's error; amending s. 479.08, F.S.; providing for the date on which a permit revocation ordered by the Department of Transportation is effective; providing for an appeal and a stay of revocation; amending s. 479.107, F.S.; authorizing the department to immediately remove any unauthorized sign on the rights-of-way of certain state or federal highways; amending s. 479.14, F.S.; amending the disposition of fees received under ch. 479, F.S.; amending s. 479.15, F.S.; prohibiting local governments from removing or altering certain signs without first paying just compensation; amending s. 479.24, F.S.; providing for the department to pay just compensation upon removing certain lawful nonconforming signs; amending s. 479.26, F.S.; limiting the specific information panel program to the interstate highway system; amending s. 479.11, F.S.; providing an exemption authorizing certain signs on new highways; amending s. 7 and s. 8 of ch. 93-164, Laws of Florida; requiring the department to make recommendations to the Florida Transportation Commission; changing a repeal date; providing an effective date.

—with pending **Amendment 1A** by Senator Meadows which was withdrawn.

Senator Diaz-Balart moved the following amendment to **Amendment 1** which was adopted:

Amendment 1B (with Title Amendment)—On page 71, between lines 11 and 12, insert:

Section 33. Subsections (2) and (9) of section 348.0002, Florida Statutes, are amended, and new subsections (12) and (13) are added to that section, to read:

348.0002 Definitions.—As used in the Florida Expressway Authority Act, the term:

(2) "Authority" means an expressway authority established pursuant to the Florida Expressway Authority Act *which is a body politic and corporate and a public instrumentality. For purposes of the provisions of this part authorizing an authority to issue bonds directly pursuant to this part, "authority" shall mean an authority established within a county as defined in s. 125.011(1).*

(9) "Expressway system" means any and all expressways within the geographic boundaries of an expressway authority established pursuant to the Florida Expressway Authority Act and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for such expressway. *In any county as defined in s. 125.011(1), for purposes of this part, an expressway system includes a public transportation facility.*

(12) "Public transportation facility" means real and personal property, structures, improvements, buildings, personnel, equipment, plant, vehicle parking or other facilities, rights-of-way, or any combination thereof used or useful for the purposes of transporting passengers by means of a street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or any bus or other means of conveyance operating as a common carrier by a county, as defined in s. 125.011(1).

(13) "Surplus revenues" means revenues in any county as defined in s. 125.011(1) derived from rates, fees, rentals, tolls, and other charges for the services and facilities of an expressway system as may exist at the end of a fiscal year after payment of all annually required operating and maintenance expenses for the fiscal year and all debt service payable in the fiscal year on bonds issued or other debts incurred for any purpose in connection with an expressway system, including debt incurred to finance the construction, extension, repair, or maintenance of an expressway system.

Section 34. Paragraph (d) is added to subsection (2) of section 348.0003, Florida Statutes, to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his term of office be a permanent resident of the county which he is appointed to represent.

(d) Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to 13 members and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Five voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Three voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county, this member shall be an ex officio voting member of the authority. The appointment and qualifications of the remaining members, who shall be non-voting members of the authority, and the terms of office, and the obligations and rights of members of the authority shall be determined by resolution of the governing body of the county in a manner that is consistent with subsections (3) and (4).

Section 35. Paragraph (f) of subsection (2) of section 348.0004, Florida Statutes, is amended, and a new paragraph (h) is added to said subsection (2), and present paragraphs (h) through (l) are renumbered as (i) through (m), respectively, and subsections (7) and (8) are added to that section, to read:

348.0004 Purposes and powers.—

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

(f) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system, which tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act. However, such right and power may be assigned or delegated by the authority to the department. Notwithstanding s. 338.165 or any other provision of law to the contrary, in any county as defined in s. 125.011(1), to the extent surplus revenues exist, they may be used for purposes enumerated in subsection (7), provided the expenditures are consistent with the metropolitan planning organization's adopted long-range plan.

(h) In any county as defined in s. 125.011(1), to borrow money, make and issue negotiable notes, bonds, refund bonds and other evidence of indebtedness, either in temporary or definitive form, of the authority, which bonds or other evidence of indebtedness may be issued pursuant to the State Bond Act, or in the alternative, pursuant to the provisions of s. 348.0005(2), to finance an expressway system within the geographic boundaries of the authority, and to provide for the security of the bonds or other evidence of indebtedness and the rights and remedies of the holders of the bonds or other evidence of indebtedness. Any bonds or other evidence of indebtedness pledging the full faith and credit of the state shall only be issued pursuant to the State Bond Act.

1. An authority shall reimburse the county in which it exists for any sums expended from any county gasoline tax funds used for payment of such obligations. Any county gasoline tax funds so disbursed shall be repaid in accordance with the terms of any lease-purchase or interlocal agreement with any county or the department together with interest, at the rate agreed to in such agreement. In no event shall any county gasoline tax funds be more than a secondary pledge of revenues for repayment of any obligations issued pursuant to this part.

2. In any county as defined in s. 125.011(1), an authority may refund any bonds previously issued, to the extent allowable by federal tax laws, to finance or refinance an expressway system regardless of whether the bonds being refunded were issued by such authority, an agency of the

state, or a county. ~~To borrow money as provided by the State Bond Act. An authority shall reimburse a county for any sums expended, together with interest at the highest rate applicable to the bonds of the authority for which the sums were required, from the county gasoline tax funds for payment of the bonds.~~

(7) In any county as defined in s. 125.011(1), an expressway authority may finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of a public transportation facility or transportation facilities owned or operated by such county, or any programs or projects that will improve the levels of service on an expressway system, subject to approval of the governing body of such county after public hearing.

(8) In any county as defined in s. 125.011(1), the governing body of the county may approve by ordinance the authority's exercise of additional and supplemental powers consistent with this part, which are not specifically delineated in this part, as long as the county specifically finds that the exercise of the powers by the authority is necessary or appropriate to enable the authority to fulfill the powers and purposes of this part and promotes the efficient and effective transportation of persons and goods in the county. The governing body of the county may enter into an interlocal agreement with an authority pursuant to chapter 163, for the joint performance or performance by either governmental entity of any corporate function of the county or authority necessary or appropriate to enable the authority to fulfill the powers and purposes of this part and promote the efficient and effective transportation of persons and goods in such county.

Section 36. Section 348.0005, Florida Statutes, is amended to read:

348.0005 Bonds.—

(1) Bonds may be issued on behalf of an authority as provided by the State Bond Act.

(2)(a) An authority in any county as defined in s. 125.011(1), may issue bonds pursuant to this part, which do not pledge the full faith and credit of the state in such principal amount as, in the opinion of the authority, is necessary to provide sufficient moneys for achieving its corporate purposes.

(b) The bonds of an authority in any county as defined in s. 125.011(1), issued pursuant to the provisions of this part, whether on original issuance or refunding, must be authorized by resolution of the authority, after approval of the issuance of the bonds at a public hearing, and may be either term or serial bonds, shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority including any county gasoline tax funds received by an authority pursuant to the terms of any interlocal or lease-purchase agreement between an authority, the department, or a county, as such resolution or any resolution subsequent thereto may provide. The bonds must be executed by such officers as the authority determines under the requirements of s. 279.06.

(c) Said bonds shall be sold by the authority at public sale by competitive bid. However, if the authority, after receipt of a written recommendation from a financial advisor, shall determine by official action after public hearing by a two-thirds vote of all voting members of the authority that a negotiated sale of the bonds is in the best interest of the authority, the authority may negotiate for sale of the bonds with the underwriter or underwriters designated by the authority and the county in which the authority exists. The authority shall provide specific findings in a resolution as to the reasons requiring the negotiated sale, which resolution shall incorporate and have attached thereto the written recommendation of the financial advisor required by this subsection (4).

(d) Any such resolution or resolutions authorizing any bonds hereunder which do not pledge the full faith and credit of the state may contain provisions that are part of the contract with the holders of the bonds, as an authority determines proper. In addition an authority may enter into trust indentures or other agreements with its fiscal agent, or with any bank or trust company within or without the state, as security

for such bonds, and may, under the agreements, assign and pledge the revenues, rates, fees, rentals, tolls, or other charges or receipts of an authority, including any county gasoline tax funds received by an authority.

(e) Any of the bonds issued pursuant to this part are negotiable instrument and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(f) Notwithstanding any of the provisions of this part, each project, building, or facility which has been or will be financed by the issuance of bonds or other evidence of indebtedness under this part and any refinancing thereof is approved for purposes of s. 11, Art. VII of the State Constitution.

Section 37. Section 348.0011, Florida Statutes, is amended to read:

348.0011 Exemption from taxation.—The effectuation of the authorized purposes of an expressway authority is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. For this reason, each authority is not required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired by it or used by it for such purposes or upon any revenues at any time received by it. The bonds issued by or on behalf of an authority, their transfer, and the income therefrom, including any profits made on the sale thereof, are exempt from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply to any tax imposed under chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 38. Section 348.0012, Florida Statutes, is amended to read:

348.0012 Exemptions from applicability.—The Florida Expressway Authority Act does not apply:

(1) In a county in which an expressway authority has been created pursuant to parts II 4 through IX of this chapter; or

(2) To a transportation authority created pursuant to chapter 349.

Section 39. Subsections (2) and (3) of section 338.165, Florida Statutes, are amended to read:

338.165 Continuation of tolls.—

(2) If the revenue-producing project is on the State Highway System, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the revenue-producing project is located, *except as provided in s. 348.0004.*

(3) If the revenue-producing project is on the county road system, any remaining toll revenue shall be used for the construction, maintenance, or improvement of any other state or county road within the county or counties in which the revenue-producing project is located, *except as provided in s. 348.0004.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 76, line 20, after the second semicolon (;) insert: amending s. 348.0002, F.S.; providing definitions; amending s. 348.0003, F.S.; providing for membership of governing body of an authority in a county defined in s. 125.011(1), F.S.; amending s. 348.0004, F.S.; expanding the powers of an expressway authority in a county defined in s. 125.011(1), F.S., to authorize the use of excess revenues for financing the planning, design, acquisition, construction, extension, rehabilitation, equipping, or improvement of a public transportation facility; providing limitations; providing for public hearing; amending s. 348.0005, F.S.; providing procedures for issuing bonds; amending s. 348.0011, F.S.; providing that bonds issued by or on behalf of an authority are exempt from taxation; amending s. 348.0012, F.S.; providing for nonapplicability of the Florida Expressway Authority Act; amending s. 338.165, F.S.; creating an exception for the use of remaining toll revenues;

Senators Hargrett and Grogan offered the following amendment to **Amendment 1** which was moved by Senator Hargrett and adopted:

Amendment 1C (with Title Amendment)—On page 71, between lines 11 and 12, insert:

Section 62. Notwithstanding any other provision of law, for the period July 1, 1995, through June 30, 1999, the proceeds of the \$100 fee collected pursuant to section 320.072(1), Florida Statutes, after deducting the service charge imposed by section 215.20, Florida Statutes, shall be deposited into the State Transportation Trust Fund. This section shall control over any other provision of law enacted in the 1994 regular session of the Legislature concerning the distribution of moneys collected pursuant to section 320.072(1), Florida Statutes.

Section 63. Notwithstanding any other law, beginning July 1, 1995, and continuing through June 30, 1999, the sum of \$25 million is appropriated each fiscal year from the State Transportation Trust Fund for the purpose of funding the Florida Seaport Transportation and Economic Development Grant Program. This appropriation is in addition to the amount provided in section 311.07, Florida Statutes. The Department of Transportation shall include in its annual legislative budget request an expenditure of \$25 million per year and an expenditure in the amount provided in section 311.09(10), Florida Statutes, for the Florida Seaport Transportation and Economic Development Grant Program.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 76, line 20, after the second semicolon (;) insert: providing that certain funds collected from fees imposed on certain motor vehicle registrations are to be deposited into the trust fund for a specified period; requiring the Department of Transportation to include a specified expenditure in its annual budget request for the purpose of funding the Florida Seaport Transportation and Economic Development Grant Program;

Amendment 1 as amended was adopted.

On motion by Senator Hargrett, **CS for SB 2156** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

On motion by Senator Dantzler, by two-thirds vote—

CS for CS for SB 1346—A bill to be entitled An act relating to wetlands; creating s. 373.4211, F.S.; ratifying Rule 17-340, Florida Administrative Code, with changes; providing a uniform methodology for delineation of the landward extent of wetlands and surface waters; directing the Department of Environmental Protection to file an amended rule to conform; amending s. 193.501(6), F.S.; revising delineation methodology to be used for definition of "qualified as environmentally endangered" lands; amending s. 373.414, F.S.; exempting certain projects from certain permit requirements; amending section 21 of ch. 92-132, Laws of Florida; continuing the Northwest Dade County Freshwater Lake Plan Implementation Committee; providing additional duties; extending the study area; directing the South Florida Water Management District and the Department of Commerce to carry out certain studies; amending s. 373.421, F.S.; providing for formal and informal determinations under the rule; providing a fee; providing procedures and requirements; creating s. 373.4142, F.S.; providing for water quality standards within certain stormwater management systems; creating s. 373.4145, F.S.; providing an interim permitting program for the Northwest Florida Water Management District; requesting the Governor to pursue regulatory delegation or a statewide programmatic general permit under section 404 of the federal Clean Water Act for certain activities; amending s. 380.061, F.S.; revising delineation methodology to be used for the Florida Quality Developments programs; amending s. 380.24, F.S.; to revise plant species list to be used in the preparation of coastal zone protection elements; amending s. 403.031, F.S.; revising the definition of waters; amending s. 403.031, F.S.; revising the methodology used in delineating waters of the state; redefining the term "state water policy" to require that it be ratified in bill form by the Legislature; repealing ss. 403.817 and 403.8171, F.S., relating to determination of the natural landward extent of waters for regulatory purposes; amending s. 373.019, F.S.; redefining the term "state water policy" to require that it be ratified in bill form by the Legislature; amending s. 373.026, F.S.; providing for ratification by the Legislature of the state water policy; amending s. 403.061, F.S.; providing for ratification by the Legislature of the state water policy; providing an effective date.

—was read the second time by title.

Senators Turner and Hargrett offered the following amendment which was moved by Senator Turner and adopted:

Amendment 1 (with Title Amendment)—On page 56, between lines 27 and 28, insert:

Section 17. Environmental Equity and Justice Commission created; membership; duties; public hearings; administration.—

(1) The Legislature hereby establishes an Environmental Equity and Justice Commission, the purpose of which is to examine and determine the possible disproportionate and cumulative concentration of environmental hazards for peoples of color and low-income communities; to assess how Florida can best address these inequities, if any, with emphasis on future prevention; and to ensure that the public benefits resulting from the work of Florida's agencies will be fully and equitably realized by communities of color and low income, taking into account the greater degree of risk to which such communities may be exposed.

(2) The commission shall consist of 15 members as follows:

- (a) Two members representing the civil rights community.
- (b) Two representatives of the environmental community, including grassroots community organizations.
- (c) Two members representing the business community.
- (d) One member from the Department of Environmental Protection.
- (e) One member from the Department of Health and Rehabilitative Services.
- (f) Two members representing hazardous site facilities, one representing the private sector and one representing the public sector.
- (g) Two members representing local government, one representing cities and one representing counties.
- (h) Two members representing the universities, including historically black college and university representatives.
- (i) One environmental-risk-assessment professional.

(3) The Governor shall make the appointments described in subsection (2) after soliciting input from the Speaker of the House of Representatives, the President of the Senate, the Chairman of the State Conference of Black Legislators, the Chairman of the Hispanic Caucus, and a statewide business association. The members of the commission shall be appointed by September 30, 1994. The commission shall meet initially and make study assignments by November 30, 1994, and shall complete its study assignments and issue a preliminary report by June 30, 1995.

(4) The commission members shall serve without compensation, but shall be reimbursed for per diem and travel expenses pursuant to section 112.061, Florida Statutes. The commission shall encourage private contributions, which shall be used to enable low-income individuals and people of color to participate in the hearings.

(5) The commission shall conduct a scientific analysis, including case studies, and submit a report to the Speaker of the House of Representatives and the President of the Senate by December 31, 1995, which shall include, but not be limited to:

(a) A listing of the major targeted sites located in Florida, with historical and current demographic information, including health statistics concerning the surrounding population of each site. For purposes of this act, targeted sites shall mean a representative sample of sites both in minority and low-income neighborhoods and in other socioeconomic neighborhoods, throughout the state, but shall include only those businesses and facilities regulated by the Department of Environmental Protection, including those targeted sites regulated by the department through delegation to local governments and the water management districts; government-owned facilities; and the Superfund National Priority List sites.

(b) A review of past enforcement actions taken by the Environmental Protection Agency or the Department of Environmental Protection for violations affecting human health in any hazardous or toxic site, including those on the CERCLA list.

(c) A review of enforcement statutes and rules to identify areas where actual practice may have resulted in uneven or lenient enforcement outcomes in low-income communities and communities inhabited by peoples of color or other low-income communities.

(d) A review of enforcement statutes and rules related to targeted sites to determine if alternative or stronger enforcement measures would more equitably serve low-income communities and peoples of color.

(e) A review of enforcement practices related to targeted sites to determine if alternative methods of allocating resources would more equitably serve low-income communities and peoples of color.

(f) A review of factors, including economic factors, that may have caused targeted sites that pose a potential threat to human health to be concentrated in low-income communities and communities of people of color in Florida.

(g) A review of statutes, rules, and policies used by state, regional, and local governments that relate to the location of targeted sites posing a potential threat to human health.

(h) A review of data and methodologies by which state, regional, and local governments might become more specifically aware of situations in which neighborhoods are at particularly high risk for potential threats to human health.

(i) A review of the role played by local governments in making and influencing siting and land-use decisions that may pose significant elements of risk to human health for low-income communities and peoples of color.

(j) A review of the efforts by state and local agencies in ensuring equitable representation of peoples of color and low-income communities in their workforce and in helping youth from these communities learn about career opportunities in the environmental field.

(k) A review of methods used by the Department of Environmental Protection in communicating with people of color and low-income communities and recommendations on how the department can be more "user friendly" to people of color and low-income communities.

(l) A review of approaches to ensure consideration of environmental equity and justice issues when formulating and implementing policies, procedures, and legislation within agencies and other institutions.

(m) Consideration of the advisability of creating a permanent institutional review entity to deal with environmental equity issues.

In addition, the commission shall prepare model legislation, if needed, to address needs identified in the report, to be considered by the Legislature in 1996.

Section 18. Public hearings; location.—

(1) Following completion of the preliminary report provided for in subsection (3) of section 1, the commission shall conduct at least five public hearings, and may meet more frequently upon the vote of the majority of the commission. The location of the hearings shall be determined by the commission, in a manner that allows for participation by citizens in all parts of the state. The final report shall reflect consideration of the comments presented at the public hearings.

(2) For administrative purposes only, the commission is assigned to the Florida Agricultural and Mechanical University. The School of Business within Florida Agricultural and Mechanical University shall provide assistance when requested by the commission. However, in the performance of its powers and duties, the commission shall not be subject to control, supervision, or direction by the Florida Agricultural and Mechanical University.

Section 19. Access to records.—The commission shall have access to all nonconfidential or exempt records, files, and reports from any program, service, or facility that is operated, funded, or regulated by either the Department of Environmental Protection or the Department of Health and Rehabilitative Services which are material to its monitoring duties and are in the custody of either department. The commission's monitoring may not impede or obstruct matters under investigation by department, law enforcement, or judicial authorities. The commission may not conduct onsite inspections or subpoena records. Access shall not be granted if a specific procedure for or prohibition against reviewing records is required by federal law and regulations that supersede state law.

Section 20. Judicial and administrative review.—This act is intended only to ensure equitable regulation and enforcement of environmental laws and rules and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the businesses studied, or the State of Florida, including municipal and county governments, or their officers, directors, or employees. This act shall not be construed to create any right to administrative or judicial review involving the compliance or noncompliance of the businesses studied, or the State of Florida, including municipal and county governments, or their agents, officers, directors, or employees.

Section 21. Appropriation.—There is hereby appropriated the sum of \$150,000 from the Department of Environmental Protection to fund the activities and expenses of the commission.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, strike line 24 and insert: creating the Environmental Equity and Justice Commission; providing for the appointment of members to the commission; providing for a report; providing for the contents of the report; providing for public hearings; providing for location of public hearings; providing for access to records; providing an appropriation; providing an effective date.

WHEREAS, the term "environmental equity" generally refers to consideration of the distribution of environmental risks across population groups and to governmental policy responses to such risk distribution, and

WHEREAS, the National Law Journal conducted a study of 1,700 Superfund toxic waste sites throughout the nation, of every environmental lawsuit filed by the Federal Government related to these sites, and of the methods used by the Environmental Protection Agency in dealing with these sites, and

WHEREAS, in September of 1992, the National Law Journal published the conclusions of its study and found the following: penalties assessed against violators in sites located in white communities were larger than penalties assessed against polluters in minority communities; Superfund site evaluations were conducted more slowly and the start of cleanup efforts was generally delayed longer in minority communities; and the remedy of containment as opposed to cleanup was more frequently selected in minority communities, and

WHEREAS, in July of 1990, the E.P.A. formed an environmental equity work group to study available evidence that might suggest that racial minorities and low-income communities bear a higher environmental risk burden compared to that of the general population, and to consider what E.P.A. might do about any identified disparities, and

WHEREAS, in June of 1992, the E.P.A. work group issued a two-volume report demonstrating that:

1. The environmental and health data are not routinely collected and analyzed by income and race.
2. Risk-assessment and risk-management procedures can be improved to better take into account equity considerations.
3. There are great opportunities for the E.P.A. and other government agencies to improve communication about environmental problems with members of low-income and racial minority groups, and

WHEREAS, the E.P.A. work group made recommendations that recognized the need to emphasize increased awareness of environmental equity issues and to highlight concerns about environmental equity to state and local governments, and

WHEREAS, Florida has collected very little data to determine the possible disproportionate and cumulative impact of exposure to significant environmental hazards that people of color and low-income residents of Florida may be exposed to, and

WHEREAS, Florida should establish and maintain information providing an objective basis for assessment of risks by income and race, and

WHEREAS, there is an affirmative public interest in determining within Florida whether penalties assessed against violators in sites located in white communities are disproportionately larger than penalties

assessed against polluters in minority communities; whether hazardous waste site evaluations are conducted more slowly and the start of cleanup efforts is delayed longer in minority communities; and whether containment as opposed to cleanup is more frequently selected in minority communities, NOW, THEREFORE,

Senator Dantzler moved the following amendments which were adopted:

Amendment 2—On page 10, strike line 1 and insert: Morinda royoc, Schizachyrim maritimum, Schizachyrim

Amendment 3—On page 10, strike line 4 and insert: Michella repens, Sambucus canadensis, Sebastiana fruticosa

Amendment 4—On page 10, strike line 15 and insert: County only, the following species shall be listed as

Amendment 5—On page 10, strike line 16 and insert: Facultative wet: Alternanthera maritima, Morinda royoc, and

Amendment 6—In title, on page 1, line 2, strike "wetlands" and insert: environmental protection

Senator Kiser moved the following amendment which was adopted:

Amendment 7 (with Title Amendment)—On page 41, between lines 2 and 3, insert:

Section 9. Subsection (4) is added to subsection 373.441, Florida Statutes, to read:

373.441 Role of counties, municipalities and local pollution control programs in permit processing.—

(4) *The department shall review environmental resource permit applications for electrical distribution and transmission lines and other facilities related to the production, transmission and distribution of electricity which are not certified under sections 403.52 through 403.5365, Florida Statutes, the Transmission Line Siting Act, regulated under part IV of this chapter.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 2, line 2, after "certain activities," insert: amending s. 373.441, F.S., providing for department review of certain activities;

Senator Dantzler moved the following amendments which were adopted:

Amendment 8 (with Title Amendment)—On page 41, between lines 2 and 3, insert:

Section 9. Subsection (3) of section 373.459, Florida Statutes, is amended to read:

373.459 Surface Water Improvement and Management Trust Fund.—

(3) The amount of money that may be released to a water management district from the Surface Water Improvement and Management Trust Fund for approved plans, or continuations of approved plans, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than 60 percent of the amount of money necessary for the approved plans of the *South Florida Water Management District, Southwest Florida Water Management District, and St. Johns River Water Management District, and not more than 80 percent of the amount of money necessary for the approved plans of the Northwest Florida Water Management District and Suwannee River Water Management District. The remaining funds necessary for the approved plans shall be provided by the district. The district shall provide at least 40 percent of the amount of money necessary for the plans.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 29, after "District," insert: amending s. 373.459, F.S.; revising the amount of money released to the Northwest Florida Water Management District and the Suwannee River Water Management District from the Surface Water Improvement and Management Trust Fund;

Amendment 9—On page 35, lines 20-31 and on page 36, lines 1-22, strike all of said lines and insert:

(7) Wetlands contiguous to surface waters of the state as defined in s. 403.031(13), Florida Statutes (1991), shall be delineated pursuant to the department's rules as such rules existed prior to January 24, 1984 while wetlands not contiguous to surface waters of the state as defined in s. 403.031(13), Florida Statutes (1991), shall be delineated pursuant to the applicable methodology in existence prior to the effective date of the methodology ratified by s. 373.4211 for any development which obtains an individual permit from the United States Army Corps of Engineers under 33 U.S.C. s. 1344:

(a) where a jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4 022, Florida Administrative Code, on April 1, 1985, is revalidated pursuant to s. 373.414(13) and the affected lands are part of a project for which a vested rights determination has been issued pursuant to s. 380.06, or

(b) where the lands affected were grandfathered pursuant to s. 403.913(6), Florida Statutes (1991), and proof of prior notification pursuant to s. 403.913(6), Florida Statutes (1991), is submitted to the department within 180 days of the publication of a notice by the department of the existence of this provision. Failure to timely submit the proof of prior notification to the department serves as a waiver of the benefits conferred by this subsection.

(c) This subsection shall not be applicable to lands:

1. within the geographical area to which an individual or general permit issued prior to June 1, 1994 under rules adopted pursuant to this part applies; or

2. within the geographical area to which a conceptual permit issued prior to June 1, 1994 under rules adopted pursuant to this part applies if wetland delineations were identified and approved by the conceptual permit as set forth in s. 373.414(12)(b)1. or 2.; or

3. where no development activity as defined in paragraphs s. 380.04(1) or (2)(a) through (d) and (f) has occurred within the project boundaries since October 1, 1986.

(d) The wetland delineation methodology required in this subsection shall only apply within the geographical area of an individual permit issued by the United States Army Corps of Engineers under 33 U.S.C. s 1344. The requirement to obtain such individual permit to secure the benefit of this subsection shall not apply to any activities exempt or not subject to regulation under 33 U.S.C. s 1344.

(e) Notwithstanding subsection 373.421(1), the wetland delineation methodology required in this subsection and any wetland delineation pursuant thereto, shall only apply to agency action under this part and shall not be binding on local governments except in their implementation of this part.

On motion by Senator Dantzler, by two-thirds vote **CS for CS for SB 1346** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Siegel, by two-thirds vote **HB 635** was withdrawn from the Committees on Corrections, Probation and Parole; Judiciary; and Finance, Taxation and Claims.

On motion by Senator Siegel, by unanimous consent—

HB 635—A bill to be entitled An act relating to process and service of process; amending s. 30.231, F.S.; increasing sheriffs' fees for service and providing for levy fees; revising language with respect to expenses; reenacting ss. 11.143(3)(d) and 106.26(1), F.S., relating to standing or select committees and powers of the commission, to incorporate said amendment in references thereto; amending s. 48.183, F.S.; revising provisions relating to service of process in actions for possession of premises; amending s. 48.21, F.S., relating to return of execution of process; providing reference to a return-of-service form, to conform to actual practice; amending s. 83.241, F.S.; revising language with respect to removal of a mobile home tenant; amending s. 83.56, F.S.; providing for default judgment for removal of the tenant with a writ of possession to issue immedi-

ately under specified circumstances; amending s. 83.60, F.S.; revising provisions relating to default judgment upon waiver of tenant's defenses; amending s. 83.62, F.S.; revising provisions relating to restoration of possession to landlord; amending s. 723.062, F.S.; providing for execution of writ of possession of mobile home; amending s. 56.21, F.S.; revising provisions relating to execution sales; reenacting s. 56.22, F.S., relating to execution sales, to incorporate said amendment in a reference thereto; amending s. 701.04, F.S.; providing for return of writ of execution on mortgage, lien, or judgment; amending s. 741.2902, F.S., relating to domestic violence, to authorize payment to the sheriff of certain fees; amending s. 784.046, F.S.; providing for service with respect to repeat violence at certain times; amending s. 475.483, F.S., relating to recovery from the Real Estate Recovery Fund; requiring an affidavit; repealing s. 56.24, F.S., relating to execution sales where there is no courthouse; amending s. 83.43, F.S.; defining the term "legal holiday" with respect to part II of ch. 83, F.S., the Florida Residential Landlord and Tenant Act; providing effective dates.

—was taken up out of order. On motions by Senator Siegel, by two-thirds vote **HB 635** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

On motion by Senator Kirkpatrick, by unanimous consent—

HB 2483—A bill to be entitled An act relating to confidentiality of records relating to investigation and treatment of impaired harbor pilots; amending s. 310.102, F.S.; providing exemptions from public records requirements for information obtained from probable cause investigations of and treatment programs for impaired practitioners; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was taken up out of order and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **HB 2483** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motions by Senator Forman, by two-thirds vote **HB 2643** was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Forman, by unanimous consent—

HB 2643—A bill to be entitled An act relating to public records and proceedings; providing for exempting certain proceedings and documents connected to such proceedings from ss. 119.07(1) and 286.011, F.S., and s. 24(a) and (b), Art. I of the State Constitution; providing for future review; providing legislative findings of public necessity; providing an effective date.

—was taken up out of order. On motions by Senator Forman, by two-thirds vote **HB 2643** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Forman, by two-thirds vote **HB 2653** was withdrawn from the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Forman, by unanimous consent—

HB 2653—A bill to be entitled An act relating to money transmitters; creating the "Money Transmitters Code"; creating part I of chapter 560, F.S., consisting of ss. 560.101, 560.102, 560.103, 560.104, 560.105, 560.106, 560.107, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.122, 560.123, 560.124, 560.125, 560.126, 560.127, and 560.128, F.S.; providing a short title; providing purpose, scope, and application of the Money Transmitters Code; providing definitions; exempting certain entities from the provisions of the code; providing powers of the Department of Banking and Finance;

authorizing the department to adopt rules; providing for construction; requiring the department to observe certain standards; providing for limited liability when acting upon certain rules, orders, or declaratory statements; providing guidelines for administrative enforcement; providing duties and powers of the department relating to investigations, subpoenas, hearings, and witnesses; prohibiting certain acts and practices; providing penalties; providing procedures for disciplinary actions; requiring disciplinary actions to be public; specifying certain actions as violations of the code; providing for injunctions; providing the grounds upon which the department may undertake disciplinary actions; providing for surrender of registrations; providing immunity to persons who provide information concerning violations of the code; authorizing the department to impose administrative fines under certain circumstances; authorizing the department to conduct examinations of money transmitters, to recover costs of such examination, to require quarterly reporting, and to impose administrative fines; requiring fees and assessments to be deposited into the Financial Institutions' Regulatory Trust Fund; providing penalties; requiring registration of existing money transmitters; providing procedures for applications; creating the "Florida Control of Money Laundering in Money Transmitters Act"; providing purposes; providing application; requiring money transmitters to file certain reports with the department; requiring the department to maintain such reports for a certain time; providing additional enforcement powers of the department; providing penalties; providing for the reporting of certain financial transactions; providing immunity to persons who provide information concerning violations of the code; prohibiting operation of a money transmitter business by unauthorized persons; providing penalties; providing for administrative fines; requiring notice of certain specified events; specifying conditions of control of a money transmitter; requiring notice of change in control; authorizing the department to disapprove changes in control under certain circumstances; requiring money transmitters to provide a toll-free telephone number for consumer contacts; creating part II of chapter 560, F.S., consisting of ss. 560.200, 560.202, 560.203, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.212, and 560.213, F.S.; providing a short title; providing definitions; exempting vendors of registrants from registration requirements; requiring registration for engaging in specified activities; specifying qualifications of applicants for registration; providing application requirements; authorizing the department to investigate applicants; providing for registration renewal; providing for a renewal fee; providing for the conduct of business at more than one location; providing requirements for net worth, surety bonds, and collateral deposit in lieu of a bond; authorizing the department to waive or reduce such requirements under certain circumstances; specifying certain permissible investments; authorizing the department to waive certain requirements under certain circumstances; requiring money transmitters to maintain certain records for a certain time; providing for financial liability of registrants under certain circumstances; requiring payment instruments to contain certain information; creating part III of chapter 560, F.S., consisting of ss. 560.301, 560.302, 560.303, 560.304, 560.305, 560.306, 560.307, 560.308, 560.309, and 560.310, F.S.; providing a short title; providing definitions; providing for registrant to engage in certain activities; restricting certain activities; providing exemptions; providing application procedures; providing standards for registration; providing powers of the department; providing for an application fee; providing for terms of registrations; providing for registration renewal and renewal fees; specifying conditions of operation of registrants; authorizing the department to adopt rules; providing limitations on certain fees and charges; requiring registrants to maintain certain records of transactions; amending 658.295(2)(j); providing an appropriation; repealing ss. 560.01, 560.02, 560.03, 560.04, 560.05, 560.06, 560.07, 560.08, 560.09, 560.10, 560.11, 560.12, 560.131, 560.133, 560.135, 560.151, 560.16, 560.17, and 560.201, F.S., relating to sale of money orders; providing severability; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Forman, by two-thirds vote **HB 2653** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motion by Senator Myers, by unanimous consent—

HB 467—A bill to be entitled An act relating to the confidentiality of certain medical records and information; amending s. 766.106, F.S., which provides an exemption from public records requirements for physical and mental examination reports held by health care providers in connection

with medical malpractice actions; revising the exemption and saving it from repeal; amending s. 916.107, F.S., which provides an exemption from public records requirements for clinical records of forensic clients of the Department of Health and Rehabilitative Services; revising the exemption and saving it from repeal; amending s. 953.15, F.S., which provides an exemption from public records requirements for clinical assessment and treatment records of drug offenders in drug punishment programs; revising the exemption and saving it from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Health and Rehabilitative Services recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 1 (with Title Amendment)—On page 1, line 26, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (c) of subsection (7) of section 766.106, Florida Statutes, is reenacted and amended to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.—

(7) Informal discovery may be used by a party to obtain unsworn statements, the production of documents or things, and physical and mental examinations, as follows:

(c) Physical and mental examinations.—A prospective defendant may require an injured prospective claimant to appear for examination by an appropriate health care provider. The defendant shall give reasonable notice in writing to all parties as to the time and place for examination. Unless otherwise impractical, a prospective claimant is required to submit to only one examination on behalf of all potential defendants. The practicality of a single examination must be determined by the nature of the potential claimant's condition, as it relates to the liability of each potential defendant. *Such examination The report is available to the parties and their attorneys of the examiner must be made available to all parties upon payment of the reasonable cost of reproduction. Such report may be provided only to parties and their attorneys and may be used only for the purpose of presuit screening. Otherwise, such examination report is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 2. The Legislature finds that exempting from the public records law physical and mental examination reports is a public necessity in that harm caused by releasing such information outweighs any public benefit derived from releasing such information. Information contained in such reports is of a sensitive and personal nature, and such information could be used to discriminate against the person to whom the report pertains.

Section 3. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (8) of section 916.107, Florida Statutes, is reenacted and amended to read:

916.107 Rights of forensic clients.—

(8) CLINICAL RECORD; CONFIDENTIALITY.—A clinical record for each patient ~~must~~ *shall* be maintained. The record ~~must~~ *shall* include data pertaining to admission and such other information as ~~is~~ *may be* required under rules of the department. Unless waived by express and informed consent by the patient or his legal guardian or, if the patient is deceased, by the patient's personal representative or by that family member who stands next in line of intestate succession, the privileged and confidential status of the clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(a) The clinical record ~~is~~ *shall* not be a public record and is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and no part of it shall be released, *unless one of the following exceptions is met except:*

1. The record may be released to such persons and agencies as are designated by the patient or his legal guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof may be disclosed to a qualified researcher, *as defined by rule*; a staff member of the facility; or an employee of the department when the administrator of the facility or secretary of the department deems it necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the clinical records may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

5. Whenever a patient *receiving services pursuant to this chapter* has declared an intention to harm other persons, such declaration may be disclosed.

6. Nothing in this subsection is intended to prohibit the parent of a mentally ill or mentally retarded person who is committed to, or is being treated by, a forensic mental health facility or program from requesting and receiving information limited to that person's treatment plan and current physical and mental condition. Release of such information shall be in accordance with the code of ethics of the profession involved.

7. Notwithstanding other provisions of this subsection, the department may request or, receive from, or ~~and provide to any of the following entities~~ client information to facilitate treatment, rehabilitation, and continuity of care of any forensic client ~~from any of the following~~:

a. The Social Security Administration and the United States Department of Veterans Affairs;

b. Law enforcement agencies, state attorneys, public defenders or other attorneys defending the patient, and judges in regard to the patient's status;

c. Jail personnel in the jail to which a client may be returned; and

d. Community ~~mental health~~ agencies and others expected to provide ~~followup mental health~~ care to the patient upon his return to the community.

8. The department may provide notice to any patient's next of kin or first representative regarding any serious medical illness or the death of the patient.

(b)1. Any law enforcement agency, treatment facility, or other governmental agency that receives information pursuant to this subsection shall maintain such information as a nonpublic record as otherwise provided herein.

2. Any agency or private ~~mental health or mental retardation~~ practitioner who acts in good faith in releasing information pursuant to this subsection is not subject to civil or criminal liability for such release.

(c) *The exemption from s. 119.07(1) and s. 24(a), Art. I of the State Constitution provided in this subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 4. Notwithstanding the October 1, 1994, repeal specified in section 119.14, Florida Statutes, subsections (1), (2), and (3) of section 953.15, Florida Statutes, are reenacted to read:

953.15 Records of drug punishment program assessment and treatment providers; confidentiality.—Drug test results may be divulged to the drug punishment program treatment community and department correctional personnel who are involved with the drug offender. All records of drug punishment program assessment and treatment providers shall be maintained by the individual provider and shall include the drug offender's assessment and treatment information and such other information as may be required under rules of the department. Unless waived by express and informed consent by the drug offender or his guardian or, if the drug offender is deceased, by his personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment and treatment record shall not be lost by either authorized or unauthorized disclosure.

(1) Drug punishment program assessment and treatment records shall not be public records and shall not be released, except:

(a) To such persons and agencies as are designated by the drug offender or his guardian.

(b) To persons authorized by order of court, excluding matters privileged by other provisions of law.

(c) To a qualified researcher, a staff member of the designated treatment facility, or an employee of the department when the administrator of the facility or the secretary deems it necessary for treatment of the drug offender, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

(d) For statistical and research purposes if the information is abstracted in such a way as to protect the identity of individual drug offenders.

(2) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity receiving information pursuant to this section shall maintain such information as a nonpublic record as otherwise provided herein.

(3)(a) The department shall provide to the circuit courts forms to be signed as a condition of drug treatment probation, providing the drug offender's informed consent to treatment and consent to release of records and information required pursuant to this part.

(b) All drug punishment program assessment and treatment records are confidential to the extent described in this section and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 5. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the confidentiality of certain records and reports; amending s. 766.106, F.S.; revising an exemption from public records requirements for physical and mental examination reports held by health care providers for presuit screening; saving the exemption from repeal; providing for future review and repeal; providing a finding of public necessity; reenacting and amending s. 916.107(8), F.S.; revising conditions under which confidential information will be made public; providing for future review and repeal of the exemption; reenacting s. 953.15(1), (2), (3), F.S.; continuing the exemption of treatment and assessment provider records from public-records law provisions; providing for future review and repeal; providing an effective date.

On motion by Senator Myers, by two-thirds vote **HB 467** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

Consideration of **CS for CS for SB 680, CS for SB 2872, CS for CS for SB 2918, CS for SB's 1268 and 1160, CS for CS for SB 3060 and CS for SB's 2878 and 2358** was deferred.

CS for SB's 1864 and 2212—A bill to be entitled An act relating to the Hurricane Andrew Recovery and Rebuilding Trust Fund; amending s. 1, ch. 92-350, Laws of Florida; providing for transfer of revenues from the General Revenue Fund to the trust fund for fiscal years 1994-1995 and 1995-1996; providing that the Governor shall submit recommendations regarding requests for funding relief and recovery activities to the Legislature; prohibiting expenditure of such funds for certain purposes; providing for audits; providing for recovery of improperly expended funds; amending s. 7, ch. 92-350, Laws of Florida; providing for transfer of the unobligated balance in the trust fund to the Working Capital Fund on June 30, 1996; providing an effective date.

—was read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for SB's 1864 and 2212** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—34 Nays—None

Consideration of SB 1976 was deferred.

CS for SB's 1268 and 1160—A bill to be entitled An act relating to trust funds; amending s. 318.21, F.S.; providing percentage of civil penalties to be distributed to the General Revenue Fund and to the Additional Court Cost Clearing Trust Fund; amending s. 943.25, F.S.; providing for certain surplus funds to remain in the Criminal Justice Training Trust Fund, the Administrative Trust Fund, and the Operating Trust Fund; providing for disposition of funds remaining in the Criminal Justice Training Improvement Trust Fund; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for SB's 1268 and 1160** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—34 Nays—None

CS for SB's 2878 and 2358—A bill to be entitled An act relating to media productions; amending s. 212.08, F.S.; revising a use tax exemption for motion picture or video equipment; providing procedures for qualified producers to receive the exemption; amending s. 288.045, F.S.; requiring the Division of Economic Development of the Department of Commerce to adopt rules providing procedures for qualified producers to apply for and receive the exemption; amending s. 288.053, F.S.; revising the membership of the Florida Film and Television Investment Board; amending s. 288.054, F.S.; authorizing the board to contract with the Florida Film and Television Investment Corporation for certain purposes; amending s. 288.055, F.S.; providing for additional authorized expenditures from the Florida Film and Television Investment Trust Fund; amending s. 288.056, F.S.; requiring additional information for certain projects; providing additional powers of the board; creating s. 288.058, F.S.; authorizing the board to establish the Florida Film and Television Investment Corporation as a direct-support organization of the board for certain purposes; providing definitions; providing for uses of property; providing for a board of directors of the corporation; providing for an annual audit; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 3, strike all of lines 7 and 8 and insert:

2. For the purpose of the exemptions exemption provided in subparagraphs subparagraph 1. and 3.:

Amendment 2—On page 3, line 11, strike "more or" and insert: more

Amendment 3—On page 3, strike line 16 and insert: property provided under s. 288.045(5)(d) or (5)(e); however, motion picture or

Amendment 4—On page 5, strike all of lines 2-5 and insert:

e. Contracted production scenic design, construction, and assembly. Notwithstanding the provisions of subparagraph (f)2.a., tangible personal property comprising contracted production scenic design need not meet the definition of "section 38 property."

Amendment 5—On page 7, strike all of lines 7-11 and insert:

(d) Provide a list of tangible personal property items subject to the exemption provided in s. 212.08(5)(f)1. which are used by qualified producers in connection with production activities described in s. 212.08(5)(f)2.b., which is certified periodically by the division to the Department of Revenue.

(e) Provide a list of tangible personal property items subject to the exemption provided in s. 212.08(5)(f)3. which are used by qualified producers in connection with production activities described in s. 212.08(5)(f)2.b., which is certified periodically by the division to the Department of Revenue.

Amendment 6—On page 3, strike all of lines 23 and 24 and insert: list of prescribed tangible personal property provided under s. 288.045(5)(d) or (5)(e) not specifically suited to production activities. In

Amendment 7—On page 4, strike all of lines 16 and 17 and insert: of a valid exemption certificate issued by the department. The exemption certificate

Amendment 8—On page 4, line 24, after "tax-free" insert: pursuant to the list provided under s. 288.045(5)(e)

On motion by Senator Kirkpatrick, by two-thirds vote **CS for SB's 2878 and 2358** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—None

SB 1976—A bill to be entitled An act relating to elections; amending ss. 100.342, F.S., 101.161, F.S.; prohibiting certain legal actions for the failure to provide notice of a special election or referendum or to comply with certain provisions governing the substance or title requirements for the ballot; providing for applicability to certain pending actions; providing an effective date.

—was read the second time by title.

The Committee on Executive Business, Ethics and Elections recommended the following amendment which was moved by Senator Silver and adopted:

Amendment 1 (with Title Amendment)—On page 1, line 13, strike everything after the enacting clause and insert:

Section 1. Section 101.161, Florida Statutes, is amended to read:

101.161 Referenda; ballots; notice; prohibited challenge.—

(1) Whenever a constitutional amendment or other public measure is submitted to the vote of the people, the substance of such amendment or other public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates, followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the proposal and a "no" vote will indicate rejection. The wording of the substance of the amendment or other public measure and the ballot title to appear on the ballot shall be embodied in the joint resolution, constitutional revision commission proposal, constitutional convention proposal, taxation and budget reform commission proposal, or enabling resolution or ordinance. The substance of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

(2) The substance and ballot title of a constitutional amendment proposed by initiative shall be prepared by the sponsor and approved by the Secretary of State in accordance with rules adopted pursuant to s. 120.54. The Department of State shall give each proposed constitutional amendment a designating number for convenient reference. This number designation shall appear on the ballot. Designating numbers shall be assigned in the order of filing or certification of the amendments. The Department of State shall furnish the designating number, the ballot title, and the substance of each amendment to the supervisor of elections of each county in which such amendment is to be voted on.

(3) When notice of a constitutional amendment or other public measure is provided pursuant to law, such notice shall include the full text of the proposed amendment or other public measure, as well as the ballot title and substance of the amendment or other public measure.

(4) After a constitutional amendment or public measure has been submitted to and approved by vote of the electors, the validity of that measure is not subject to challenge by any litigation that is based on a failure to comply with the provisions of this section pertaining to the wording of the substance of the measure or its ballot title and that is initiated after the holding of the election at which the measure was approved, unless the wording of the measure or the title is found to have been deceptive or materially misleading.

Section 2. This act shall take effect upon becoming a law and shall apply to causes of action occurring on or after that date.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-10 and insert: An act relating to elections; amending s. 101.161, F.S.; providing notice requirements; prohibiting initiation of a legal challenge to a public measure upon the basis of a failure to comply with ballot substance and title requirements, after that measure has been approved by the electorate; providing an exception; providing an effective date.

On motion by Senator Boczar, further consideration of **SB 1976** as amended was deferred.

On motions by Senator Wexler, by unanimous consent **CS for SB 1074** was taken up out of order.

On motions by Senator Wexler, by two-thirds vote **HB 2557** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations.

On motions by Senator Wexler, the rules were waived and—

HB 2557—A bill to be entitled An act relating to taxation; amending s. 45.031, F.S., which provides procedures for judicial sales of real or personal property; providing for filing a copy of the report of disbursements with the Department of Revenue; providing application; amending s. 69.041, F.S., which provides requirements relating to certain civil actions in which the state is named a party; providing requirements relating to the right of the department to participate in the disbursement of surplus funds in mortgage foreclosure actions; providing application; amending s. 199.185, F.S.; exempting certain liquor distributors from intangible personal property tax on accounts receivable derived from certain sales of alcoholic beverages; amending s. 199.232, F.S.; directing the department to issue a refund for overpayment of intangible taxes upon discovery, or submission to it of proof, of the overpayment, without written claim for refund; specifying a time limit for making a refund; prescribing a statute of limitation for bringing an action for refund; providing that penalties and interest not be assessed against an overpayment of an automatic refund if the taxpayer reimburses the department within a specified period after notification; amending s. 213.21, F.S.; authorizing the department to settle or compromise a taxpayer's liability for the service fee imposed on a dishonored check or draft under certain conditions; amending ss. 538.09 and 538.25, F.S.; revising the fee required for fingerprint processing of applicants for registration as a secondhand dealer or secondary metals recycler; authorizing the department to modify reporting or filing periods to facilitate calculation of penalty and interest due under certain conditions; amending s. 624.5091, F.S.; clarifying provisions which specify taxes and assessments to which the insurance retaliatory tax does not apply; including sales and use taxes; deleting reference to the domicile of alien insurers and defining "similar insurer"; providing legislative intent; amending s. 125.0108, F.S.; authorizing counties levying the areas of critical state concern tourist impact tax to collect and administer the tax on a local basis; amending s. 206.028, F.S.; authorizing the department to contract with private companies to investigate applicants for a motor fuel refiner, importer, or wholesaler license; amending s. 561.025, F.S., relating to the distribution of funds deposited into the Alcoholic Beverage and Tobacco Trust Fund; creating s. 561.12, F.S., relating to deposit of revenues; amending s. 196.011, F.S.; providing for granting late filed application for property tax exemption; providing retroactive application; amending ss. 212.03, 212.06, and 212.18, F.S.; providing that persons who rent or grant a license to use accommodations in apartment houses, roominghouses, and tourist or trailer camps for periods longer than 6 months are not exercising a taxable privilege and are not considered sales tax dealers; amending s. 212.11, F.S.; revising conditions under which the department may authorize quarterly or semiannual sales tax returns; providing for filing periods; amending s. 212.67, F.S., which authorizes refunds of the tax on sales of fuels; authorizing transit systems, municipalities, counties, and school districts that are licensed as special fuel dealers to take a credit in lieu of refund; amending ss. 193.085 and 194.171, F.S.; revising provisions relating to assessment of railroad property for ad valorem tax purposes; authorizing the sharing of information; providing for venue in actions relating to such property; providing that payment of taxes a taxpayer admits to be due and timely filing of an action under s. 194.171, F.S., suspends tax collection procedures; amending s. 196.101, F.S.; revising the types of documents that must be submitted to qualify for the homestead exemption for totally and permanently disabled persons; authorizing osteopathic physicians to certify disability; revising requirements for the physician's certification form; amending s. 196.131, F.S.; revising the penalty for giving false information to claim homestead exemption; amending s. 200.065, F.S.; deleting a requirement

that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the department; amending ss. 193.1142 and 196.011, F.S.; requiring the inclusion of the social security numbers of an applicant for specified ad valorem tax exemptions and the applicant's spouse in exemption applications and assessment rolls; providing procedures for refiling of applications that omit the social security numbers; providing for implementation; providing a contingent effective date; amending s. 193.075, F.S.; revising provisions relating to the taxable status of mobile homes being held for display; amending s. 194.013, F.S.; increasing the maximum fee which may be charged for filing a petition before the value adjustment board; revising the amount and application of the single filing fee for joint petitions; amending s. 196.011, F.S.; revising provisions relating to penalties imposed when property improperly receives exemption in a county in which the annual exemption application requirement has been waived; amending s. 196.031, F.S.; deleting the requirement that ownership documents be recorded in the official records for homestead exemption purposes, retroactive to January 1, 1994; providing a revised requirement effective January 1, 1995; authorizing the property appraiser to request additional ownership documents; amending s. 196.041, F.S.; providing that persons owning a leasehold interest in a lease having a term of 98 years or more in a residential parcel are deemed to have title to the property for homestead exemption purposes; amending s. 196.161, F.S.; requiring the property appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest; clarifying that only property owned by the person improperly receiving homestead exemption is subject to tax lien; amending s. 212.0306, F.S., which authorizes certain charter counties to levy a local option tax on food and beverages for specified purposes; requiring businesses to determine their taxable status with respect to the exemption applicable to businesses which had revenues of \$400,000 or less in the previous year at the end of each year and notify the tax collector of any change; requiring new businesses to collect taxes for a specified period to determine their exemption status; providing a method of determining projected annual gross revenues for such businesses; revising the exemption for veterans', fraternal, and other clubs; revising the authorized uses of the tax on food, beverages, or alcoholic beverages sold in establishments licensed for on-premises consumption; clarifying language regarding application of that tax; requiring the appointment of an oversight board and providing its duties; repealing s. 212.0306(7), F.S., which provides for October 1, 2008, repeal of said section; amending s. 220.13, F.S., which provides requirements for determination of adjusted federal income for corporate income tax purposes; providing for subtraction from taxable income of amounts included in taxable income under s. 951 of the Internal Revenue Code; amending ss. 72.011 and 120.575, F.S.; providing that provisions relating to the contesting of certain tax matters are applicable to chapters relating to tax on tobacco products, pari-mutuel wagering, and the Beverage Law; amending s. 72.031, F.S.; providing that the Department of Business and Professional Regulation is the defendant in such actions; reenacting and amending s. 95.091, F.S.; specifying the time limits for the department to determine and assess taxes; reenacting ss. 215.26(6) and 26.012(2), F.S., for the purpose of incorporating changes to s. 72.011, F.S.; amending s. 72.011, F.S.; granting a plaintiff additional time to comply with jurisdictional requirements in certain instances; providing a rebuttable presumption relating to de minimus errors; providing legislative intent; amending s. 212.0305, F.S.; revising the use of proceeds of the charter county convention development tax; revising requirements relating to appointment of authorities and terms and qualifications of members; providing additional powers of authorities; providing requirements relating to approval of authorities' budgets; creating s. 196.1994, F.S.; providing an exemption; providing for retroactivity; amending s. 212.08, F.S., creating an exemption for the sales tax on the lease of or license to use a taxicab or taxicab related equipment and services by a taxicab company to an independent taxicab operation; providing effective dates.

—a companion measure, was substituted for **CS for SB 1074** and read the second time by title.

Senator Wexler moved the following amendment:

Amendment 1 (with Title Amendment)—On page 7, line 18, strike everything after the enacting clause and insert:

Section 1. Effective July 1, 1994, subsection (7) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the following procedure may be followed as an alternative to any other sale procedure if so ordered by the court:

(7) **DISBURSEMENTS OF PROCEEDS.**—On filing a certificate of title the clerk shall disburse the proceeds of the sale in accordance with the order or final judgment, and shall file a report of such the disbursements and serve a copy of it on each party not in default, and on the Department of Revenue if it was named as a defendant in the action, in substantially the following form:

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Name	Amount
Total	

WITNESS my hand and the seal of the court on . . . , 19. . . .
 . . . (Clerk) . . .
 By . . . (Deputy Clerk) . . .

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 2. Effective July 1, 1994, subsection (4) is added to section 69.041, Florida Statutes, to read:

69.041 State named party; lien foreclosure, suit to quiet title.—

(4)(a) *The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s. 45.031(7). The department shall participate in accordance with applicable procedures in any mortgage foreclosure action in which the department has a duly filed tax warrant against the subject property and with the same priority, regardless of whether a default against the department has been entered for failure to file an answer or other responsive pleading.*

(b) *This section applies only to mortgage foreclosure actions initiated on or after July 1, 1994, and to those mortgage foreclosure actions initiated before July 1, 1994, in which no default has been entered against the Department of Revenue before July 1, 1994.*

Section 3. Effective July 1, 1994, paragraph (a) of subsection (10) of section 125.0104, Florida Statutes, is amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(10) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under the provisions of this section and s. 125.0108 may be exempted ~~exempt~~ from the requirements of this section and s. 125.0108 that the tax collected be remitted to the Department of Revenue before being returned to the county, and that such taxes ~~tax~~ be administered according to the provisions of part I of chapter 212, if the county adopts an ordinance providing for the collection and administration of the tax on a local basis.

Section 4. Effective July 1, 1994, subsection (6) is added to section 199.185, Florida Statutes, to read:

199.185 Property exempted from annual and nonrecurring taxes.—

(6) *Every liquor distributor that is domiciled in this state, that is authorized to do business under the Beverage Law, and that has paid the license taxes required by s. 565.03(2) is exempt from paying tax on accounts receivable owned by the taxpayer which are derived from, arise out of, or are issued in connection with a sale of alcoholic beverages transacted in another state with a customer in another state.*

Section 5. Effective July 1, 1994, section 199.232, Florida Statutes, is amended to read:

199.232 Powers of department.—

(1)(a) The department may audit the books and records of any person to determine whether an annual tax or a nonrecurring tax has been properly paid.

(b) An audit is ~~shall be~~ commenced by service in person or by certified mail of a written notice to the taxpayer of intent to audit ~~upon the taxpayer, either in person or by certified mail.~~

(2) The department may inspect all records of the taxpayer which may be relevant to the audit, and the department may compel the testimony of the taxpayer under oath or affirmation. The department may also issue subpoenas to compel the testimony of third parties under oath or affirmation and the production of records and other evidence held by third parties, including corporations and brokers. Any duly authorized representative of the department may administer an oath or affirmation. If the taxpayer fails to give testimony or to produce any requested records, or if a third party fails to comply with a subpoena, any circuit court having jurisdiction over the taxpayer or third party may, upon application of the department, issue such orders as are necessary to secure compliance.

(3) With or without an audit, the department may assess any tax deficiency resulting from nonpayment or underpayment of the tax, as well as any applicable interest and penalties. The department shall assess on the basis of the best information available to it, including estimates based on the best information available to it if the taxpayer fails to permit inspection of the taxpayer's records, fails to file an annual return, files a grossly incorrect return, or files a false and fraudulent return.

(4) Following an assessment, the department shall collect the assessed amount from the taxpayer. The assessment is ~~shall be~~ considered prima facie correct, and the taxpayer ~~has shall have~~ the burden of showing any error in the assessment ~~it~~.

(5) The department shall credit or refund any overpayment of tax that ~~which~~ is revealed on an audit or for which a claim for refund is filed. A claim for refund may be filed within 3 years after ~~from~~ the due date of the tax or the payment of the tax, whichever date is later. It ~~must shall~~ be filed by the taxpayer, or the taxpayer's heirs, personal representatives, successors, or assigns, and ~~must shall~~ include such information as the department ~~requires may require~~.

(6) In its discretion, the department may, for reasonable cause, grant extensions of time not to exceed 3 months for paying any tax due, or for filing any return or report required, under this chapter.

(7)(a) *If it appears, upon examination of an intangible tax return made under this chapter or upon proof submitted to the department by the taxpayer, that an amount of intangible personal property tax has been paid in excess of the amount due, the department shall refund the amount of the overpayment to the taxpayer by a warrant of the Comptroller, drawn upon the Treasurer. The department shall refund the overpayment without regard to whether the taxpayer has filed a written claim for a refund; however, the department may request that the taxpayer file a statement affirming that the taxpayer made the overpayment.*

(b) *Notwithstanding paragraph (a), a refund of the intangible personal property tax may not be made nor is a taxpayer entitled to bring an action for a refund of the intangible personal property tax more than 3 years after the due date of the tax or the payment of the tax, whichever date is later.*

(c) *If a refund issued by the department under this section is found to exceed the amount of refund legally due to the taxpayer, the provisions of s. 199.282 concerning penalties and interest do not apply if the taxpayer reimburses the department for any overpayment within 60 days after the taxpayer is notified that the overpayment was made.*

Section 6. Effective July 1, 1994, section 206.028, Florida Statutes, is amended to read:

206.028 Costs of investigation; department to charge applicants; contracts with private companies authorized.—

(1) The department ~~may is authorized to~~ charge any anticipated costs incurred by the department in determining the eligibility of any person or entity specified in s. 206.026(1)(a) to hold a license against such person or entity.

(2) The department may, by rule, determine the manner of payment of its anticipated costs and the procedure for filing applications for eligibility in conjunction with payment of those ~~said~~ costs.

(3) The department *must* ~~shall~~ furnish to the applicant an itemized statement of actual costs incurred during the investigation to determine eligibility.

(4) ~~If in the event~~ there are unused funds at the conclusion of the ~~such~~ investigation, ~~the unused such~~ funds *must* ~~shall~~ be returned to the applicant within 60 days after the determination of eligibility has been made.

(5) ~~If the in the event~~ actual costs of investigation exceed anticipated costs, the department *must* ~~shall~~ assess the applicant those moneys necessary to recover all actual costs.

(6) *The department may enter into contracts with private companies to conduct investigations to determine the eligibility of any person or entity specified in s. 206.026(1)(a) to hold a license. The costs of the investigations must be charged to the applicant as provided in this section.*

Section 7. Effective January 1, 1995, subsection (1) of section 212.03, Florida Statutes, is amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement, exemptions.—

(1) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, ~~or~~ letting, or granting a license to use any living quarters or sleeping or housekeeping accommodations in, from, or a part of, or in connection with any hotel, apartment house, roominghouse, or tourist or trailer camp. *However, any person who rents, leases, lets, or grants a license to others to use, occupy, or enter upon any living quarters or sleeping or housekeeping accommodations in apartment houses, roominghouses, tourist camps, or trailer camps, and who exclusively enters into a bona fide written agreement for continuous residence for longer than 6 months in duration at such property is not exercising a taxable privilege.* For the exercise of such taxable privilege, a tax is hereby levied in an amount equal to 6 percent of and on the total rental charged for such living quarters or sleeping or housekeeping accommodations by the person charging or collecting the rental. Such tax shall apply to hotels, apartment houses, roominghouses, or tourist or trailer camps whether or not there is in connection with any of the same any dining rooms, cafes, or other places where meals or lunches are sold or served to guests.

Section 8. Effective July 1, 1994, paragraph (k) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(k)1. At the rate of 6 percent on charges for all:

a.1. Detective, burglar protection, and other protection services (SIC Industry Numbers 7381 and 7382). Any law enforcement officer, as defined in s. 943.10, who is performing approved duties as determined by his local law enforcement agency in his capacity as a law enforcement officer, and who is subject to the direct and immediate command of his law enforcement agency, and in his uniform as authorized by his law enforcement agency, is performing law enforcement and public safety services and is not performing detective, burglar protection, or other protective services, if the law enforcement officer is performing his approved duties in a geographical area in which the law enforcement officer has arrest jurisdiction. Such law enforcement and public safety services are not subject to tax irrespective of whether the duty is characterized as "extra duty," "off-duty," or "secondary employment," and irrespective of whether the officer is paid directly or through his agency by an outside source. The term "law enforcement officer" includes full-time or part-time law enforcement officers, and any auxiliary law enforcement officer, when such auxiliary law enforcement officer is working under the direct supervision of a full-time or part-time law enforcement officer.

b.2. Nonresidential cleaning and nonresidential pest control services (SIC Industry Group Number 734).

2. As used in this paragraph, "SIC" means those classifications contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

3. *Charges for detective, burglar protection and other protection security services performed in this state but used outside this state are exempt from taxation. Charges for detective, burglar protection and other protection security services performed outside this state and used in this state are subject to tax.*

4. *If a transaction involves both the sale or use of a service taxable under this part and the sale or use of a service or any other item not taxable under this part, the consideration paid must be separately identified and stated with respect to the taxable and exempt portions of the transaction or the entire transaction shall be presumed taxable. The burden shall be on the seller of the service or the purchaser of the service, whichever applicable, to overcome this presumption by providing documentary evidence as to which portion of the transaction is exempt from tax. The Department is authorized to adjust the amount of consideration identified as the taxable and exempt portions of the transaction; however, a determination that the taxable and exempt portions are inaccurately stated and that the adjustment is applicable must be supported by substantial competent evidence.*

5. *Each seller of services subject to sales tax pursuant to this paragraph shall maintain a monthly log showing each transaction for which sales tax was not collected because the services meet the requirements of subparagraph 3. for out-of-state use. The log must identify the purchaser's name, location and mailing address, and federal employer identification number, if a business, or the social security number, if an individual, the service sold, the price of the service, the date of sale, the reason for the exemption and the sales invoice number. The monthly log shall be maintained pursuant to the same requirements and subject to the same penalties imposed for the keeping of similar records pursuant to this chapter.*

Section 9. Effective January 1, 1995, paragraph (j) of subsection (2) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(2)

(j) The term "dealer" is further defined to mean any person who leases, or grants a license to use, occupy, or enter upon, living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles, docking or storage space or spaces for boats in boat docks or marinas, or tie-down or storage space or spaces for aircraft at airports. The term "dealer" also means any person who has leased, occupied, or used or was entitled to use any living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles or docking or storage space or spaces for boats in boat docks or marinas, or who has purchased communication services or electric power or energy, and who cannot prove that the tax levied by this chapter has been paid to the vendor or lessor on any such transactions. *The term "dealer" does not include any person who leases, lets, rents, or grants a license to use, occupy, or enter upon any living quarters, sleeping quarters, or housekeeping accommodations in apartment houses, roominghouses, tourist camps, or trailer camps, and who exclusively enters into a bona fide written agreement for continuous residence for longer than 6 months in duration with any person who leases, lets, rents, or is granted a license to use such property.*

Section 10. Effective July 1, 1994, paragraph (ee) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this part.

(7) MISCELLANEOUS EXEMPTIONS.—

(ee) *Taxicab leases.*—*The lease of or license to use a taxicab or taxicab-related equipment and services provided by a taxicab company to an independent taxicab operator are exempt, provided, however, the exemptions provided under this paragraph only apply if sales or use tax has been paid on the acquisition of the taxicab and its related equipment.*

Section 11. Effective July 1, 1994, paragraph (c) of subsection (1) of section 212.11, Florida Statutes, is amended, present paragraph (d) of that subsection is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

212.11 Tax returns and regulations.—

(1)

(c) However, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding ~~four quarters~~ *quarter* did not exceed \$1,000 ~~\$100~~ and may authorize a semiannual return and payment when the tax remitted by the dealer for the preceding ~~four quarters~~ *6 months* did not exceed \$500 ~~\$200~~.

(d) *The Department of Revenue may authorize dealers who are newly eligible for quarterly filing under this subsection to file returns for the 3-month periods ending in February, May, August, and November, and may authorize dealers who are newly eligible for semiannual filing under this subsection to file returns for the 6-month periods ending in May and November.*

Section 12. Effective January 1, 1995, paragraph (a) of subsection (3) of section 212.18, Florida Statutes, as amended by this act, is amended to read:

212.18 Administration of law; registration of dealers; rules.—

(3)(a) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent, or let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps *which are subject to tax under s. 212.03, or to lease, rent, or let or grant licenses in real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business, and it shall be accompanied by a registration fee of \$30. However, no registration fee is required to accompany an application to engage in or conduct business to make mail order sales. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provisions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership, or corporation to which issued, and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued and shall be so displayed at all times. Except as provided in this paragraph, no person shall engage in business as a dealer or in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, tourist or trailer camps, or real property as hereinbefore defined, nor shall any person sell or receive anything of value by way of admissions, without first having obtained such a certificate or after such certificate has been canceled; no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal property or services or as a dealer, as defined in this chapter, or the engaging in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps which are taxable under this part, or real property as hereinbefore defined, or the engaging in the business of selling or receiving anything of value by way of admissions, without such certificate first being obtained or after such certificate has been canceled by the department is prohibited. The failure or refusal of any person, firm, copartnership, or corporation to so qualify*

when required hereunder is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, or subject to injunctive proceedings as provided by law. Such failure or refusal also subjects the offender to a \$100 initial registration fee in lieu of the \$30 registration fee authorized in this paragraph.

Section 13. Effective July 1, 1994, paragraphs (a), (c), and (d) of subsection (1) of section 212.67, Florida Statutes, are amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(a) Refunds on fuel used for local transit operations.—Any person who uses motor fuel or special fuel on which the taxes imposed by this part have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. *However, such transit system shall be entitled to take a credit on the monthly special fuel tax return not to exceed the tax imposed under ss. 212.62 and 336.026 on those gallons which would otherwise be eligible for refund, when such transit system is licensed as a dealer of special fuel.* A public transportation system or transit system as defined above may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined above includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms “city,” “county,” and “authority” as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature.

(c) Return of tax to municipalities and counties.—The portion of the tax imposed by this part which results from the collection of such taxes paid by a municipality or county on motor fuel or special fuel for use in a motor vehicle operated by it shall be returned to the governing body of such municipality or county for the construction, reconstruction, and maintenance of roads and streets within the municipality or county. *A municipality or county, when licensed as a dealer of special fuel, shall be entitled to take a credit on the monthly special fuel tax return not to exceed the tax imposed under ss. 206.60 and 212.62 on those gallons which would otherwise be eligible for refund.*

(d) Return of tax to school districts and nonpublic schools.—

1. The portion of the tax imposed by this part which results from the collection of such tax paid by a school district or a private contractor operating school buses for a school district or by a nonpublic school on motor fuel or special fuel for use in a motor vehicle operated by such district, private contractor, or nonpublic school shall be returned to the governing body of such school district or to such nonpublic school. *A school district, when licensed as a dealer of special fuel, shall be entitled to take a credit on the monthly return not to exceed the tax imposed under ss. 206.60 and 212.62 on those gallons which would otherwise be eligible for refund.*

2. Funds returned to school districts shall be used to fund construction, reconstruction, and maintenance of roads and streets within the school district required as a result of the construction of new schools or the renovation of existing schools. The school board shall select the projects to be funded; however, the first priority shall be given to projects required as the result of the construction of new schools, unless a waiver is granted by the affected county or municipal government. Funds returned to nonpublic schools shall be used for transportation-related purposes.

Section 14. Effective July 1, 1994, paragraph (m) is added to subsection (7) of section 213.053, Florida Statutes, as amended by sections 3 and 7 of chapter 93-414, Laws of Florida, to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(m) *Information relative to part I of chapter 212 to the Office of Agriculture Law Enforcement of the Department of Agriculture and*

Consumer Services in the conduct of the Bill of Lading Program. This information is limited to the business name and whether the business is in compliance with part I of chapter 212.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 15. Effective July 1, 1994, subsection (3) of section 213.21, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

213.21 Informal conferences; compromises.—

(3)(a) A taxpayer's liability for any tax or interest specified in s. 72.011(1) may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. In addition, a taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) in excess of 25 percent of the tax shall be settled or compromised if the department determines that the noncompliance is due to reasonable cause and not to willful negligence, willful neglect, or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. The records of compromise under this paragraph shall not be subject to disclosure pursuant to s. 119.07(1) and shall be considered confidential information governed by the provisions of s. 213.053. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(b) A taxpayer's liability for the service fee required by s. 215.34(2) may be settled or compromised if it is determined that the dishonored check, draft, or order was returned due to an error committed by the issuing financial institution, and the error is substantiated by the department. The department shall maintain records of all compromises, and the records shall state the basis for the compromise.

(6) The Department of Revenue may modify the reporting or filing periods required for any tax enumerated in s. 213.05, for purposes of facilitating the calculation of penalty and interest due on tax payments made as a result of a taxpayer's voluntary self-disclosure or the department's selection of a taxpayer for self-analysis. Interest or penalty calculations may not be based on a filing period longer than 1 year. Modified reporting periods apply only to taxpayers not previously registered for the specific tax disclosed and to registered taxpayers with annual gross receipts of less than \$500,000. Annual filing periods must be based on a calendar year or the fiscal year used for federal income tax reporting by the taxpayer.

Section 16. Effective July 1, 1994, subsection (1) of section 538.09, Florida Statutes, is amended to read:

538.09 Registration.—

(1) A secondhand dealer shall not engage in the business of purchasing, consigning, or pawning secondhand goods from any location without registering with the Department of Revenue. A fee equal to the federal and state costs for processing required fingerprints must be submitted to the department with each application for registration. A fee of \$24 shall be submitted to the department with each application for registration, which fee includes the federal and state costs for processing required fingerprints. One application is required for each dealer. If a secondhand dealer is the owner of more than one secondhand store location, the application must list each location, and the department shall issue a duplicate registration for each location. For purposes of subsections (4) and (5) of this section, these duplicate registrations shall be deemed individual registrations. A dealer shall pay a fee of \$6 per location at the time of registration and an annual renewal fee of \$6 per location on October 1 of each year. All fees collected, less costs of administration, shall be transferred into a trust fund to be established and entitled the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund. The Department of Revenue shall forward the full set of fingerprints to the Department of Law Enforcement for state and federal processing, provided the federal service is available, to be processed for any criminal jus-

tice information as defined in s. 943.045. The cost of processing such fingerprints shall be payable to the Department of Law Enforcement by the Department of Revenue. The department may issue a temporary registration to each location pending completion of the background check by state and federal law enforcement agencies, but shall revoke such temporary registration if the completed background check reveals a prohibited criminal background. An applicant for a secondhand dealer registration must be a natural person who has reached the age of 18 years.

(a) If the applicant is a partnership, all the partners must apply.

(b) If the applicant is a joint venture, association, or other noncorporate entity, all members of such joint venture, association, or other noncorporate entity must make application for registration as natural persons.

(c) If the applicant is a corporation, the registration must include the name and address of such corporation's registered agent for service of process in the state and a certified copy of statement from the Secretary of State that the corporation is duly organized in the state or, if the corporation is organized in a state other than Florida, a certified copy of statement from the Secretary of State that the corporation is duly qualified to do business in this state. If the dealer has more than one location, the application must list each location owned by the same legal entity and the department shall issue a duplicate registration for each location.

Section 17. Effective July 1, 1994, paragraph (a) of subsection (1) of section 538.25, Florida Statutes, is amended to read:

538.25 Registration.—

(1) No person shall engage in business as a secondary metals recycler at any location without registering with the department.

(a) A fee equal to the federal and state costs for processing required fingerprints must be submitted to the department with each application for registration. A fee of \$24 shall be submitted to the department with each application for registration, which fee includes the federal and state costs for processing required fingerprints. One application is required for each secondary metals recycler. If a secondary metals recycler is the owner of more than one secondary metals recycling location, the application must list each location, and the department shall issue a duplicate registration for each location. For purposes of subsections (3), (4), and (5) of this section, these duplicate registrations shall be deemed individual registrations. A secondary metals recycler shall pay a fee of \$6 per location at the time of registration and an annual renewal fee of \$6 per location on October 1 of each year. All fees collected, less costs of administration, shall be transferred into the Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund established pursuant to s. 538.09.

Section 18. Effective July 1, 1994, subsections (3) and (4) of section 624.5091, Florida Statutes, as amended by chapter 93-409, Laws of Florida, are amended to read:

624.5091 Retaliatory provision, insurers.—

(3) This section does not apply as to personal income taxes, nor as to sales or use taxes, nor as to ad valorem taxes on real or personal property, nor as to reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, nor as to emergency assessments paid to the Florida Hurricane Catastrophe Fund, nor as to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance, except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration by the department in determining the propriety and extent of retaliatory action under this section.

(4) For the purposes of this section, a "similar insurer" is an insurer with identical premiums, personnel, and property to that of the alien or foreign insurer's Florida premiums, personnel, and property. The similar insurer's premiums, personnel, and property shall be used to calculate any taxes, licenses, other fees, in the aggregate, or any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions that are or would be imposed under Florida law and under the law of the foreign or alien insurer's state of domicile. the domicile of an alien insurer shall be as defined in s. 624.07(2).

Section 19. It is the intent of the Legislature that the amendment to section 624.5091, Florida Statutes, provided in this act, is remedial legislation intended to clarify the application of the tax.

Section 20. Effective July 1, 1994, section 561.025, Florida Statutes, is amended to read:

561.025 Alcoholic Beverage and Tobacco Trust Fund.—There is created within the State Treasury the Alcoholic Beverage and Tobacco Trust Fund. All funds collected by the division under ss. 210.15, 210.40, or under s. 569.003 and the Beverage Law *with the exception of state funds collected pursuant to ss. 561.501, 563.05, 564.06 and 565.12* shall be deposited in the State Treasury to the credit of the trust fund, notwithstanding any other provision of law to the contrary, ~~and shall be distributed as follows:~~

(1) Moneys deposited to the credit of the trust fund shall be used to operate the division and to provide a proportionate share of the operation of the office of the secretary and the Division of Administration of the Department of Business and Professional Regulation; *except that:*

(1)(2) The revenue transfer provisions of ss. 561.32 and 561.342(1) and (2) shall continue in full force and effect, and the division shall cause such revenue to be returned to the municipality or county in the manner provided for in s. 561.32 or s. 561.342(1) and (2); *and:*

(2)(3) Ten percent of the revenues derived from retail tobacco products dealer permit fees collected under s. 569.003 shall be transferred to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children, pursuant to s. 233.067(4).

~~(4) Nine and eight tenths percent of the surcharge on the sale of alcoholic beverages for consumption on premises as provided in s. 561.501 shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.~~

~~(5) The balance of receipts into the trust fund shall be transferred to the General Revenue Fund. The Department of Business Regulation shall cause such transfers to occur on or about the 5th, 20th, and last day of each month. In determining the amount to be transferred to the General Revenue Fund, the department is allowed to withhold only those funds necessary for the effective and efficient administration and enforcement of this chapter and chapters 210, 562, 563, 564, 565, 567, 568, and 569 and that are within the department's approved budget as defined in chapter 216.~~

Section 21. Effective July 1, 1994, section 561.121, Florida Statutes, is created to read:

561.121 Deposit of Revenue.—

(1) All state funds collected pursuant to ss. 563.05, 564.06, and 565.12 shall be paid into the State Treasury and disbursed in the following manner:

(a) Two percent of monthly collections of the excise taxes on alcoholic beverages established in ss. 563.05, 564.06, and 565.12 shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year.

(b) The remainder of collection shall be credited to the General Revenue Fund.

(2) The unencumbered balance in the Alcoholic Beverage and Tobacco Trust Fund at the close of each fiscal year may not exceed \$2,000,000. These funds shall be held in reserve for use in the event that trust fund revenues are unable to meet the division's appropriation for the next fiscal year. In the event of a revenue shortfall, these funds shall be spent pursuant to subsection (3). Notwithstanding subsection (1), if the unencumbered balance on June 30 in any fiscal year is less than \$2,000,000, the department is authorized to retain the difference between the June 30 unencumbered balance in the trust fund and \$2,000,000 from July's collections of state funds collected pursuant to ss. 563.05, 564.06, and 565.12. Any unencumbered funds in excess of reserve funds shall be transferred unallocated to the General Revenue Fund by August 31 of the next fiscal year.

(3) Funds deposited into the Alcoholic Beverage and Tobacco Trust Fund pursuant to subsection (1) shall be used for administration and enforcement of chapters 210, 561, 562, 563, 564, 565, 567, 568, and 569.

(4) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

(a) Nine and eight-tenths of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

(b) The remainder of collections shall be credited to the General Revenue Fund.

Section 22. Effective upon becoming a law and applicable retroactive to January 1, 1992, subsection (11) is added to section 196.011, Florida Statutes, to read:

196.011 Annual application required for exemption.—

(11) *Notwithstanding subsection (1), when the owner of property otherwise entitled to a religious exemption from ad valorem taxation fails to timely file an application for exemption, and because of a misidentification of property ownership on the property tax roll the owner is not properly notified of the tax obligation by the property appraiser and the tax collector, the owner of the property may file an application for exemption with the property appraiser. The property appraiser must consider the application, and if he determines the owner of the property would have been entitled to the exemption had the property owner timely applied, the property appraiser must grant the exemption. Any taxes assessed on such property shall be cancelled, and if paid, refunded. Any tax certificates outstanding on such property shall be cancelled and refund made pursuant to s. 197.432(10).*

Section 23. Effective October 1, 1994, paragraph (a) of subsection (1) and subsection (2) of section 72.011, Florida Statutes, are amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 203, chapter 206, chapter 207, chapter 210, chapter 211, chapter 212, chapter 213, chapter 220, chapter 221, s. 336.021, s. 336.025, s. 336.026, s. 370.07(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195, s. 403.7197, s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.57, or s. 120.575, no action relating to the same subject matter may be filed by the taxpayer in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

(b) A taxpayer may not file an action under paragraph (a) to contest an assessment or a denial of refund of any tax, fee, surcharge, permit, interest, or penalty relating to the statutes listed in paragraph (a) until the taxpayer complies with the applicable registration requirements contained in those statutes which apply to the tax for which the action is filed.

(2) No action may be brought to contest an assessment of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1) after 60 days from the date the assessment becomes final. No action may be brought to contest a denial of refund of any tax, interest, or penalty paid under a section or chapter specified in subsection (1) after 60 days from the date the denial becomes final. The Department of Revenue or, with respect to assessments or refund denials under chapter 207, the Department of Highway Safety and Motor Vehicles or, with respect to assessments or refund denials under chapters 210, 550, 561, 562, 563, 564, and 565, the Department of Business and Professional Regulation, shall establish by rule when an assessment or refund denial becomes final for purposes of this section and a procedure by which a taxpayer shall be notified of the assessment or refund denial. It is not necessary for the applicable department to file or docket any assessment or refund denial with the agency clerk in order for such assessment or refund denial to become final for purposes of an action initiated pursuant to this chapter or chapter 120.

Section 24. Effective October 1, 1994, subsection (1) of section 72.031, Florida Statutes, is amended to read:

72.031 Actions under s. 72.011(1); parties; service of process.—

(1) In any action brought in circuit court pursuant to s. 72.011(1), the person initiating the action shall be the plaintiff and the Department of Revenue shall be the defendant, except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be the defendant, and except that for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be the defendant. It shall not be necessary for the Governor and Cabinet, constituting the Department of Revenue, to be named as party defendants or named separately as individual parties; nor shall it be necessary for the executive director of the department to be named as an individual party.

Section 25. Effective October 1, 1994, for the purpose of incorporating the amendment to section 72.011, Florida Statutes, section 95.091, Florida Statutes, is reenacted, and subsection (3) of said section is amended, to read:

95.091 Limitation on actions to collect taxes.—

(1)(a) Except in the case of taxes for which certificates have been sold or of taxes enumerated in s. 72.011, any tax lien granted by law to the state or any of its political subdivisions, any municipality, any public corporation or body politic, or any other entity having authority to levy and collect taxes shall expire 5 years after the date the tax is assessed or becomes delinquent, whichever is later. No action may be begun to collect any tax after the expiration of the lien securing the payment of the tax.

(b) Any tax lien granted by law to the state or any of its political subdivisions for any tax enumerated in s. 72.011 shall expire 20 years after the last date the tax may be assessed, after the tax becomes delinquent, or after the filing of a tax warrant, whichever is later. An action to collect any tax enumerated in s. 72.011 may not be commenced after the expiration of the lien securing the payment of the tax.

(2) If no lien to secure the payment of a tax is provided by law, no action may be begun to collect the tax after 5 years from the date the tax is assessed or becomes delinquent, whichever is later.

(3)(a)1. With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to s. 220.23, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer and the Department of Business and Professional Regulation may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer:

a. Within 5 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

b. Within 6 years after the date the taxpayer either makes a substantial underpayment of tax, or files a substantially incorrect return;

c. At any time while the right to a refund or credit of the tax is available to the taxpayer;

d. At any time after the taxpayer has failed to make any required payment of the tax, has failed to file a required return, or has filed a grossly false or fraudulent return; or

e. In any case in which there has been a refund of tax erroneously made for any reason, within 5 years after making such refund, or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

2. For the purpose of this paragraph, a tax return filed before the last day prescribed by law, including any extension thereof, shall be deemed to have been filed on such last day, and payments made prior to the last day prescribed by law shall be deemed to have been paid on such last day.

(b) The limitations in this subsection shall be tolled for a period of 2 years if the Department of Revenue has issued a notice of intent to conduct an audit or investigation of the taxpayer's account within the applicable period of time as specified in this subsection. The department shall commence an audit within 120 days after it issues a notice of intent to conduct an audit, unless the taxpayer requests a delay. If the taxpayer

does not request a delay and the department does not begin the audit within 120 days after issuing the notice, the tolling period shall terminate.

(4) If administrative or judicial proceedings for review of the tax assessment or collection are begun within a period of limitation prescribed in this section, the running of the period shall be tolled during the pendency of the proceeding. Administrative proceedings shall include taxpayer protest proceedings initiated under s. 213.21 and department rules.

Section 26. Effective October 1, 1994, for the purpose of incorporating the amendment to section 72.011, Florida Statutes, subsection (6) of section 215.26, Florida Statutes, is reenacted to read:

215.26 Repayment of funds paid into State Treasury through error.—

(6) A taxpayer may contest a denial of refund of tax, interest, or penalty paid under a section or chapter specified in s. 72.011(1) pursuant to the provisions of s. 72.011.

Section 27. Effective October 1, 1994, for the purpose of incorporating the amendment to section 72.011, Florida Statutes, subsection (2) of section 26.012, Florida Statutes, is reenacted to read:

26.012 Jurisdiction of circuit court.—

(2) They shall have exclusive original jurisdiction:

(a) In all actions at law not cognizable by the county courts;

(b) Of proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate;

(c) In all cases in equity including all cases relating to juveniles except traffic offenses as provided in chapters 39 and 316;

(d) Of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged;

(e) In all cases involving legality of any tax assessment or toll or denial of refund, except as provided in s. 72.011;

(f) In actions of ejectment; and

(g) In all actions involving the title and boundaries of real property.

Section 28. Effective October 1, 1994, subsection (1) and paragraph (b) of subsection (3) of section 120.575, Florida Statutes, are amended to read:

120.575 Taxpayer contest proceedings.—

(1) In any administrative proceeding brought pursuant to chapter 120 as authorized in s. 72.011(1), the taxpayer or other substantially affected party shall be designated the "petitioner" and the Department of Revenue shall be designated the "respondent," except that for actions contesting an assessment or denial of refund under chapter 207 the Department of Highway Safety and Motor Vehicles shall be designated the "respondent" and for actions contesting an assessment or denial of refund under chapters 210, 550, 561, 562, 563, 564, and 565 the Department of Business and Professional Regulation shall be designated the "respondent."

(3)

(b) The requirements of s. 72.011(2) and (3)(a) are jurisdictional for any action under this chapter to contest an assessment or denial of refund by the Department of Revenue, or by the Department of Highway Safety and Motor Vehicles, or the Department of Business and Professional Regulation.

Section 29. (1) Effective July 1, 1994, subsection (3) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; depositions.—

(3) In any action filed in circuit court contesting the legality of any tax, interest, or penalty assessed under a section or chapter specified in subsection (1), the plaintiff must:

(a) Pay to the applicable department the amount of the tax, penalty, and accrued interest assessed by such department which is not being contested by the taxpayer; and either

(b)1. Tender into the registry of the court with the complaint the amount of the contested assessment complained of, including penalties and accrued interest, unless this requirement is waived in writing by the executive director of the applicable department; or

2. File with the complaint a cash bond or a surety bond for the amount of the contested assessment endorsed by a surety company authorized to do business in this state, or by any other security arrangement as may be approved by the court, and conditioned upon payment in full of the judgment, including the taxes, costs, penalties, and interest, unless this requirement is waived in writing by the executive director of the applicable department.

Failure to pay the uncontested amount as required in paragraph (a) shall result in the dismissal of the action and imposition of an additional penalty in the amount of 25 percent of the tax assessed. *Provided, however, that if, at any point in the action, it is determined or discovered that a plaintiff, due to a good faith de minimus error, failed to comply with any of the requirements of paragraph (a) or paragraph (b), the plaintiff shall be given a reasonable time within which to comply before the action is dismissed. For purposes of this subsection, there shall be a rebuttable presumption that if the error involves an amount equal to or less than 5 percent of the total assessment the error is de minimus and that if the error is more than 5 percent of the total assessment the error is not de minimus.*

(2) It is the intent of the Legislature that the amendment to subsection (3) of section 72.011, Florida Statutes, as set forth in this section, be applied in all pending and future actions.

Section 30. Subsection (1) of section 193.075, Florida Statutes, is amended to read:

193.075 Mobile homes.—

(1) A mobile home shall be taxed as real property if the owner of the mobile home is also the owner of the land on which the mobile home is permanently affixed. A mobile home shall be considered permanently affixed if it is tied down and connected to the normal and usual utilities. *However, this provision does not apply to a mobile home that is permanently affixed shall not be taxed as real property if it is being held for display by a licensed mobile home dealer or a licensed mobile home manufacturer and that is not rented or occupied, or located on property used for mobile home occupancy.* A mobile home that is taxed as real property shall be issued an "RP" series sticker as provided in s. 320.0815.

Section 31. Paragraph (c) of subsection (4) of section 193.085, Florida Statutes, is amended, and paragraphs (d) and (e) are added to that subsection, to read:

193.085 Listing all property.—

(4) The department shall promulgate such rules as are necessary to ensure that all railroad property of all types is properly listed in the appropriate county and shall submit the county railroad property assessments to the respective county property appraisers not later than June 1 in each year. However, in those counties in which railroad assessments are not completed by the department by June 1, for millage certification purposes, the property appraiser may utilize the prior year's values for such property.

(c) The values determined by the department pursuant to *this subsection* ~~subsections (4) and (5)~~ shall be certified to the property appraisers when such values have been finalized by the department. Prior to finalizing the values to be certified to the property appraisers, the department shall provide an affected taxpayer a notice of a proposed assessment and an opportunity for informal conference before the executive director's designee. A property appraiser shall certify to the tax collector for collection the value as certified by the Department of Revenue.

(d) *Returns and information from returns required to be made pursuant to this subsection may be shared pursuant to any formal agreement for the mutual exchange of information with another state.*

(e) *In any action challenging final assessed values certified by the department under this subsection, venue is in Leon County.*

Section 32. Subsections (1) and (3) of section 194.171, Florida Statutes, are amended to read:

194.171 Circuit court to have original jurisdiction in tax cases.—

(1) The circuit courts have original jurisdiction at law of all matters relating to property taxation. Venue is in the county where the property is located, *except that venue shall be in Leon County when the property is assessed pursuant to s. 193.085(4).*

(3) Before an action to contest a tax assessment may be brought, the taxpayer shall pay to the collector not less than the amount of the tax which he admits in good faith to be owing. The collector shall issue a receipt for the payment, and the receipt shall be filed with the complaint. *Notwithstanding the provisions of chapter 197, payment of the taxes the taxpayer admits to be due and owing and the timely filing of an action pursuant to this section shall suspend all procedures for the collection of taxes prior to final disposition of the action.*

Section 33. Effective upon this act becoming a law and applicable retroactively to January 1, 1994, subsection (1) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(1) Every person who, on January 1, has the legal title or beneficial title in equity to real property in this state, ~~as recorded in the official records of the county in which the property is located,~~ and who resides thereon and in good faith makes the same his permanent residence, or the permanent residence of another or others legally or naturally dependent upon such person, is entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the residence and contiguous real property, as defined in s. 6, Art. VII of the State Constitution. Such title may be held by the entireties, jointly, or in common with others, and the exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear. If only one of the owners of an estate held by the entireties or held jointly with the right of survivorship resides on the property, that owner is allowed an exemption of up to the assessed valuation of \$5,000 on the residence and contiguous real property. However, no such exemption of more than \$5,000 is allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of \$5,000 may be allowed on each apartment or mobile home occupied by a tenant-stockholder or member of a cooperative corporation and on each condominium parcel occupied by its owner. Except for owners of an estate held by the entireties or held jointly with the right of survivorship, the amount of the exemption may not exceed the proportionate assessed valuation of all owners who reside on the property.

Section 34. Effective January 1, 1995, subsection (1) of section 196.031, Florida Statutes, as amended by this act, is amended to read:

196.031 Exemption of homesteads.—

(1) Every person who, on January 1, has the legal title or beneficial title in equity to real property in this state, ~~as recorded in the official records of the county in which the property is located,~~ and who resides thereon and in good faith makes the same his permanent residence, or the permanent residence of another or others legally or naturally dependent upon such person, is entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the residence and contiguous real property, as defined in s. 6, Art. VII of the State Constitution. Such title may be held by the entireties, jointly, or in common with others, and the exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear. If only one of the owners of an estate held by the entireties or held jointly with the right of survivorship resides on the property, that owner is allowed an exemption of up to the assessed valuation of \$5,000 on the residence and contiguous real property. However, no such exemption of more than \$5,000 is allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of \$5,000 may be allowed on each apartment or mobile home occupied by a tenant-stockholder or member of a cooperative corporation and on each condominium parcel occupied by its owner. Except for owners of an estate held by the entireties or held jointly with the right of survivorship, the amount of the exemption may not exceed the proportionate assessed valuation of all owners who reside on the property. *Before such exemption may be granted, the deed or instrument shall be recorded in the official records of the county in which the property is located. The property appraiser may request the applicant to provide additional ownership documents to establish title.*

Section 35. Subsection (1) of section 196.041, Florida Statutes, is amended to read:

196.041 Extent of homestead exemptions.—

(1) Vendees in possession of real estate under bona fide contracts to purchase when such instruments, under which they claim title, are recorded in the office of the clerk of the circuit court where said properties lie, and who reside thereon in good faith and make the same their permanent residence; persons residing on real estate by virtue of dower or other estates therein limited in time by deed, will, jointure, or settlement; and lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a residential parcel or in a condominium parcel as defined in chapter 718, or persons holding leases of 50 years or more, existing prior to June 19, 1973, for the purpose of homestead exemptions from ad valorem taxes and no other purpose, shall be deemed to have legal or beneficial and equitable title to said property. In addition, a tenant-stockholder or member of a cooperative apartment corporation who is entitled solely by reason of his ownership of stock or membership in the corporation to occupy for dwelling purposes an apartment in a building owned by the corporation, for the purpose of homestead exemption from ad valorem taxes and for no other purpose, is deemed to have beneficial title in equity to said apartment and a proportionate share of the land on which the building is situated.

Section 36. Subsections (3) and (5) of section 196.101, Florida Statutes, are amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(3) The production by any totally and permanently disabled person entitled to the exemption in subsection (1) or subsection (2) of a certificate of such disability from two licensed doctors of this state or from the United States Department of Veterans Affairs or its predecessor, ~~or an award letter from the Social Security Administration~~ to the property appraiser of the county wherein the property lies, is prima facie evidence of the fact that he is entitled to such exemption.

(5) The physician's certification shall read as follows:

PHYSICIAN'S CERTIFICATION
OF
TOTAL AND PERMANENT DISABILITY

I, . . . (name of physician) . . . , a physician licensed pursuant to chapter 458 or chapter 459, Florida Statutes, hereby certify Mr. . . . Mrs. . . . Miss . . . Ms. . . . (name of totally and permanently disabled person) . . . , social security number . . . , is totally and permanently disabled as of January 1, . . . (year) . . . , due to the following mental or physical condition(s):

. . . . Quadriplegia

. . . . Paraplegia

. . . . Hemiplegia

. . . . Other total and permanent disability requiring use of a wheel-chair for mobility

. . . . Legal Blindness

It is my professional belief that the above-named condition(s) render Mr. . . . Mrs. . . . Miss . . . Ms. . . . totally and permanently disabled, and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature.....
Address (print).....
Date.....
Florida Board of Medicine license number.....
Issued on.....

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form or, a letter from the United States Department of Veterans Affairs or its predecessor, ~~or an award letter from the Social Security Administration~~. Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, provides that any person who shall knowingly and willfully give false information for the purpose of claiming homestead exemption shall be guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year or a fine not exceeding \$5,000 \$2,500, or both.

Section 37. The amendment to section 196.101(3) and (5), Florida Statutes, made by this act applies to claims for homestead exemption filed for the 1995 tax roll and thereafter.

Section 38. Subsection (2) of section 196.131, Florida Statutes, is amended to read:

196.131 Homestead exemptions; claims.—

(2) Any person who knowingly and willfully gives false information for the purpose of claiming homestead exemption as provided for in this chapter is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by fine not exceeding \$5,000 \$2,500, or both.

Section 39. The amendment to section 196.131(2), Florida Statutes, made by this act applies to claims for homestead exemption filed for the 1995 tax roll and thereafter.

Section 40. Subsection (1) of section 196.161, Florida Statutes, is amended to read:

196.161 Homestead exemptions; lien imposed on property of person claiming exemption although not a permanent resident.—

(1)(a) When the estate of any person is being probated or administered in another state under an allegation that such person was a resident of that state and the estate of such person contains real property situate in this state upon which homestead exemption has been allowed pursuant to s. 196.031 for any year or years within 10 years immediately prior to the death of the deceased, then within 3 years after the death of such person the property appraiser of the county where the real property is located shall, upon knowledge of such fact, record a notice of tax lien against the property among the public records of that county, and the property shall be subject to the payment of all taxes exempt thereunder, a penalty of 50 percent of the unpaid taxes for each year, plus 15 percent interest per year, unless the circuit court having jurisdiction over the ancillary administration in this state determines that the decedent was a permanent resident of this state during the year or years an exemption was allowed, whereupon the lien shall not be filed or, if filed, shall be canceled of record by the property appraiser of the county where the real estate is located.

(b) In addition, upon determination by the property appraiser that for any year or years within the prior 10 years a person who was not entitled to a homestead exemption was granted a homestead exemption from ad valorem taxes, it shall be the duty of the property appraiser making such determination to serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against ~~that person's property which was improperly receiving the exemption and any other property owned by that person in the county, and such property shall be identified in the notice of tax lien. Such property which is situated in this state shall be subject to the taxes exempted thereby, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. Before any such lien may be filed, the owner so notified must be given 30 days to pay the taxes, penalties, and interest.~~

Section 41. Subsection (4) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(4) The resolution or ordinance approved in the manner provided for in this section shall be forwarded to the property appraiser and, the tax collector, ~~and the Department of Revenue~~ within 3 days after the adoption of such resolution or ordinance. No millage other than that approved by referendum may be levied until the resolution or ordinance to levy required in subsection (2) is approved by the governing board of the taxing authority and submitted to the property appraiser and, the tax collector, ~~and the Department of Revenue~~. The receipt of the resolution or ordinance by the property appraiser shall be considered official notice of the millage rate approved by the taxing authority, and that millage rate shall be the rate applied by the property appraiser in extending the rolls pursuant to s. 193.122, subject to the provisions of subsection (5). These submissions shall be made within 101 days of certification of value pursuant to subsection (1).

Section 42. The amendment to section 200.065(4), Florida Statutes, made by this act applies beginning with the 1994 property tax rolls.

Section 43. Subsection (1) of section 193.1142, Florida Statutes, is amended to read:

193.1142 Approval of assessment rolls.—

(1) Each assessment roll shall be submitted to the executive director of the Department of Revenue for review in the manner and form prescribed by the department on or before July 1. *The department shall require the assessment roll submitted under this section to include the social security numbers required under s. 196.011.* The roll submitted to the department need not ~~include~~ contain centrally assessed properties prior to approval under this subsection and subsection (2). Such review by the executive director shall be made to determine if the rolls meet all the appropriate requirements of law relating to form and just value. Upon approval of the rolls by the executive director or his designee, the hearings required in s. 194.032 may be held.

Section 44. The amendment to section 193.1142(1), Florida Statutes, made by this act shall take effect on the effective date of SB 670 or similar legislation amending section 193.1142(1), Florida Statutes, to provide a public records exemption for such social security numbers, and the amendment made to that section shall apply to information included in claims for exemption filed for the 1995 tax roll or thereafter.

Section 45. Subsection (1) and paragraph (a) of subsection (9) of section 196.011, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

196.011 Annual application required for exemption.—

(1)(a) Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).

(b) *The form to apply for an exemption under s. 196.031, s. 196.081, s. 196.091, s. 196.101, or s. 196.202 must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).*

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. It is the duty of the owner of any property granted an exemption who is not required to file an annual application or statement to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, *the owner of the property is shall be* subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the

taxes exempted. *Except for homestead exemptions controlled by s. 196.161, it is shall be* the duty of the property appraiser making such determination to record in the public records of the county a notice of tax lien against ~~that person's property which was improperly receiving the exemption, except for property receiving homestead exemption which is controlled by s. 196.161,~~ and any other property owned by that person or entity in the county, and such property *must shall* be identified in the notice of tax lien. Such property *is or properties shall be* subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. Should such person no longer own property in that county, but own property in some other county or counties in the state, it shall be the duty of the property appraiser to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(11) *For exemptions enumerated in paragraph (1)(b), granted for the 2000 tax year and thereafter, social security numbers of the applicant and the applicant's spouse, if any, are required and must be submitted to the department. Applications filed pursuant to subsection (5) or subsection (6) may be required to include social security numbers of the applicant and the applicant's spouse, if any, and shall include such information if filed for the 2000 tax year or thereafter. For counties where the annual application requirement has been waived, property appraisers may require refiling of an application to obtain such information.*

Section 46. The amendment to section 196.011(1), Florida Statutes, and the addition of subsection (11) to that section, made by this act shall take effect on the effective date of SB 670 or similar legislation amending section 193.114(6), Florida Statutes, to provide a public records exemption for such social security numbers, and the amendments made to that section shall apply to claims for exemption filed for the 1995 tax roll and thereafter. The new subsection (12) of section 196.011, Florida Statutes, added by this act shall apply to the 1992 property tax year and thereafter.

Section 47. Effective October 1, 1994, subsection (5) of section 199.232, Florida Statutes, is amended to read:

199.232 Powers of department.—

(5) The department shall credit or refund any overpayment of tax which is revealed on an audit or for which a claim for refund is filed. A claim for refund may be filed within the period specified in s. 215.26(2) ~~3 years from the due date of the tax or the payment of the tax, whichever is later.~~ It *must shall* be filed by the taxpayer, or the taxpayer's heirs, personal representatives, successors, or assigns, and *must shall* include the ~~such information required by as the department may require.~~

Section 48. Effective October 1, 1994, subsection (6) of section 211.125, Florida Statutes, is amended to read:

211.125 Administration of law; books and records; powers of the department; refunds; enforcement provisions; confidentiality.—

(6)(a) The department may credit or refund any overpayments of amounts due under this part which are revealed by an audit or for which a timely claim for refund has been properly filed.

(b) A claim for refund may be filed within the period specified in s. 215.26(2) ~~3 years after the date of payment or the due date of the tax, whichever is later.~~

(c) A claim for refund *must shall* be signed by the taxpayer or the taxpayer's duly authorized representative, successor, or assigns and *must shall* include ~~such information as the department requires may require~~ to determine the correctness of the claim.

Section 49. Effective October 1, 1994, subsection (6) of section 212.67, Florida Statutes, is amended to read:

212.67 Refunds.—

(6)(a) Each refiner, importer, wholesaler, dealer, or retail dealer shall, in accordance with the requirements of the department, keep at his principal place of business in this state or at the bulk plant where the sale is made a complete record of or duplicate sales tickets for of all motor fuel or special fuel sold by him for which a refund provided in this section may be claimed, which records *must shall* give the date of each such sale,

the number of gallons sold, the name of the person to whom sold, and the sale price. A ~~No~~ refiner, importer, wholesaler, dealer, or retail dealer, or his agent or employee, may not acknowledge or assist in the preparation of any claim for tax refund.

(b) Every person to whom a refund permit has been issued under this section shall, in accordance with the requirements of the department, keep at his residence or principal place of business in this state a record of each purchase of motor fuel or special fuel from a refiner, importer, wholesaler, dealer, or retail dealer, or his authorized agent; the number of gallons purchased; the name of the seller; the date of the purchase; and the sale price.

(c) The records required to be kept under this subsection *are subject, shall at all reasonable hours, be subject to audit or inspection by the department or by any person duly authorized by the department*. Such records shall be preserved and may not be destroyed until the period specified in s. 215.26(2) ~~has elapsed 3 years after the date the motor fuel or special fuel to which they relate was sold or purchased.~~

(d) The department shall keep a permanent record of the amount of refund claimed and paid to each claimant. Such records ~~are shall be~~ open to public inspection.

Section 50. Effective October 1, 1994, subsection (2) of section 215.26, Florida Statutes, is amended to read:

215.26 Repayment of funds paid into State Treasury through error.—

(2) Application for refunds as provided by this section ~~must shall~~ be filed with the Comptroller, except as otherwise provided in ~~this subsection herein~~, within 3 years after the right to the ~~such~~ refund ~~has shall~~ have accrued or else the ~~such~~ right is ~~shall be~~ barred. *However, an application for a refund of a tax enumerated in s. 72.011, except for chapter 198 and s. 220.23, which tax was paid after September 30, 1994, must be filed with the Comptroller within 5 years after the date the tax is paid.* The Comptroller may delegate the authority to accept an application for refund to any state agency, or the judicial branch, vested by law with the responsibility for the collection of any tax, license, or account due. ~~The Such~~ application for refund ~~must shall~~ be on a form approved by the Comptroller and ~~must shall~~ be supplemented with ~~such~~ additional proof as the Comptroller deems necessary to establish ~~the such~~ claim; provided, ~~the such~~ claim is not otherwise barred under the laws of this state. Upon receipt of an application for refund, the judicial branch or the state agency to which the funds were paid shall make a determination of the amount due. If an application for refund is denied, in whole or in part, the judicial branch or such state agency shall ~~so~~ notify the applicant stating the reasons therefor. Upon approval of an application for refund, the judicial branch or such state agency shall furnish the Comptroller with a properly executed voucher authorizing payment.

Section 51. Effective October 1, 1994, section 220.727, Florida Statutes, is amended to read:

220.727 Limitations on claims for refund.—

(1) Except as otherwise provided in this section:

(a) A claim for refund ~~must shall~~ be filed ~~within the period specified in s. 215.26(2) not later than 3 years after the date the return was filed or 1 year after the date the tax was paid, whichever is the later; and~~

(b) *For purposes of this subsection, payments of estimated tax shall be deemed paid either at the time the taxpayer files its return under this code or at the time such return is required to be filed under this code, whichever occurs first, and not at such earlier time as such payments of estimated tax were actually made. No credit or refund shall be allowed or made with respect to the taxable year for which a claim was filed unless such claim is filed within such period.*

(2) *Returns that were filed or taxes paid on or before September 30, 1994:*

(a)1. *A claim for refund shall be filed not later than 3 years after the date the return was filed or 1 year after the date the tax was paid, whichever is the later; and*

2. *No credit or refund shall be allowed or made with respect to the taxable year for which a claim was filed unless such claim is filed within such period.*

(b)(2) The amount of any credit or refund resulting from a claim for refund shall be limited as follows:

1.(a) If the claim was filed during the 3-year period prescribed in subsection (1), the amount of the credit or refund shall not exceed the portion of tax paid within the period, equal to 3 years plus the period of any extension of time for filing the return, immediately preceding the filing of the claim.

2.(b) If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the year immediately preceding the filing of the claim.

(c)(3) For purposes of subsection (2) ~~this section~~, a tax return filed on or before the last day prescribed by law for the filing of such return, determined without regard to any extensions thereof, shall be deemed to have been filed on such last day.

Section 52. (1) Notwithstanding the provisions of section 201.02, Florida Statutes, the tax imposed pursuant to that section shall not apply to any deed, instrument, writing or other document executed after January 1, 1994 by which a corporation grants, assigns, transfers, or otherwise conveys to a qualifying corporation, as defined below, any lands, tenements, or other real property, or any interest therein, including without limitation buildings and improvements thereon. As used herein, a "qualifying corporation" shall mean a corporation which meets all of the following requirements:

(a) it is a member of the same affiliated group of corporations, as defined in s. 1504(a) of the Internal Revenue Code of 1986, as the corporation which grants, assigns, transfers or otherwise conveys the subject real property interest;

(b) it receives the subject real property interest in exchange for the issuance of shares of its stock to the affiliate corporation in a transaction described in s. 351 of the Internal Revenue Code of 1986; and

(c) there is assigned to such corporation one or more contracts between the transferring affiliate corporation and the U.S. Government or agencies thereof relating to the development of aircraft engines or engine parts or to space propulsion related products.

The qualifying corporation shall, at the time such document is presented for recording, furnish to the clerk a written statement certifying that it meets the foregoing requirements.

(2) This section is repealed on December 31, 1995.

Section 53. Effective July 1, 1994, and applying retroactively to January 1, 1994, section 196.1994, Florida Statutes, is created to read:

196.1994 Space laboratories exemption.—

(1) Notwithstanding other provisions of this chapter, modules, racks, lockers and their necessary subsystems owned by any person and intended for use as space laboratories launched into space aboard the space shuttle for the primary purpose of conducting scientific research in space are deemed to carry out a scientific purpose and are exempt from ad valorem taxation.

(2) This section is repealed July 1, 2004.

Section 54. Effective January 1, 1995, section 197.332, Florida Statutes, is amended to read:

197.332 Duties of tax collectors.—The tax collector has the authority and obligation to collect all taxes as shown on the tax roll by the date of delinquency or to collect delinquent taxes by sale of tax certificates on real property and by seizure and sale of personal property. *The tax collector shall be allowed to collect reasonable attorney's fees and court costs in actions on proceedings to recover delinquent taxes.*

Section 55. Effective January 1, 1995, subsection (3) of section 197.402, Florida Statutes, is amended to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(3) Except as provided in s. 197.432(4), on or before June 1 or the 60th day after the date of delinquency, whichever is later, the tax collector shall advertise once each week for 3 4 weeks and shall sell tax certificates on all real property with delinquent taxes. He shall make a list of such properties in the same order in which the lands were assessed, speci-

fying the amount due on each parcel, including interest at the rate of 18 percent per year from the date of delinquency to the date of sale; the cost of advertising; and the expense of sale.

Section 56. Effective January 1, 1995, subsections (1) and (10) of section 197.413, Florida Statutes, are amended to read:

197.413 Delinquent personal property taxes; warrants; court order for levy and seizure of personal property; seizure; fees of tax collectors.—

(1) Prior to May 1 of each year immediately following the year of assessment, the tax collector shall prepare a list of the unpaid personal property taxes containing the names and addresses of the taxpayers and the property subject to the tax as the same appear on the tax roll. Prior to April 30 of the next year, the tax collector shall prepare warrants against the delinquent taxpayers providing for the levy upon, and seizure of, tangible personal property. *The tax collector is not required to issue warrants if delinquent taxes are less than \$50. However, such taxes shall remain due and payable.*

(10) The tax collector is entitled to a fee of \$2 from each delinquent taxpayer at the time delinquent taxes are collected. *The tax collector is entitled to receive an additional \$8 for each warrant issued.*

Section 57. Effective January 1, 1995, subsection (4) of section 197.462, Florida Statutes, is amended to read:

197.462 Transfer of tax certificates held by individuals.—

(4) The tax collector shall receive \$2.25 \$4 as a service charge for each endorsement.

Section 58. Effective January 1, 1995, subsection (3) of section 197.472, Florida Statutes, is amended to read:

197.472 Redemption of tax certificates.—

(3) The tax collector shall receive a fee of \$6.25 \$5 for each tax certificate purchased or redeemed.

Section 59. Effective upon this act becoming law and applying to the 1994 and subsequent tax rolls, subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. *The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historical preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose.* The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program. Real property and tangible personal property owned by

the Federal Government and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee.

Section 60. If the provision of this act amending section 196.012(6), Florida Statutes, is held to be invalid or inoperative for any reason, it is the legislative intent that the invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Section 61. Subsections (2) and (8) of section 192.001, Florida Statutes, are amended to read:

192.001 Definitions.—All definitions set out in chapter 1 and chapter 200 that are applicable to this part are included herein. In addition, the following definitions shall apply in the imposition of ad valorem taxes:

(2) "Assessed value of property" means an annual determination of the just or fair market value of an item or property or the value of the homestead property as limited pursuant to s. 4(c), Art. VII of the State Constitution or, if a property is assessed solely on the basis of character or use or at a specified percentage of its value, pursuant to s. 4(a) or s. 4(b), Art. VII of the State Constitution, its classified use value or fractional value.

(8) "Homestead" means that property described in s. 6(a), Art. VII and ~~s. 4(a)(1), Art. X~~ of the State Constitution.

Section 62. Section 193.155, Florida Statutes, is created to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption. Thereafter, determination of the assessed value of the property is subject to the following provisions:

(1) Beginning in 1995, or the year following the year the property receives homestead exemption, whichever is later, the property shall be reassessed annually on January 1. Any change resulting from such reassessment shall not exceed the lower of the following:

(a) Three percent of the assessed value of the property for the prior year; or

(b) The percentage change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967—100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the assessed value of the property as calculated under subsection (1) exceeds the just value, the assessed value of the property shall be lowered to the just value of the property.

(3) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change in ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except as provided in this subsection. There is no change of ownership if:

(a) Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

1. The transfer of title is to correct an error; or
2. The transfer is between legal and equitable title;

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage;

(c) The transfer occurs by operation of law under s. 732.4015; or

(d) Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and is legally or naturally dependent upon the owner.

(4)(a) Changes, additions, or improvements to homestead property shall be assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The value of any replaced real property, or portion thereof, which is in excess of 125 percent of the just value of the damaged or destroyed property shall be deemed to be a change, addition, or improvement. Replaced real property with a just value of less than 100 percent of the original property's just value shall be assessed pursuant to subsection (5).

(c) Changes, additions, or improvements include improvements made to common areas or other improvements made to property other than to the homestead property by the owner or by an owner association, which improvements directly benefit the homestead property. Such changes, additions, or improvements shall be assessed at just value, and the just value shall be apportioned among the parcels benefiting from the improvement.

(5) When property is destroyed or removed and not replaced, the assessed value of the parcel shall be reduced by the assessed value attributable to the destroyed or removed property.

(6) Only property that receives a homestead exemption is subject to this section. No portion of property that is assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505, is subject to this section. When property is assessed under s. 193.461, s. 193.501, or s. 193.505 and contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, for the assessment to be subject to the limitation in this section.

(7) If a person received a homestead exemption limited to that person's proportionate interest in real property, the provisions of this section apply only to that interest.

(8) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any annual assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the assessment must be recalculated for every such year.

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years shall be corrected, applying this section if applicable.

If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.

(9) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, the assessment of such property must be corrected as provided in paragraph (8)(a), and the person need not pay the unpaid taxes, penalties, or interest.

Section 63. Paragraph (d) is added to subsection (3) of section 193.461, Florida Statutes, to read:

193.461 Agricultural lands; classification and assessment.—

(3)

(d) *When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).*

Section 64. Subsection (1) of section 195.073, Florida Statutes, is amended to read:

195.073 Classification of property.—All items required by law to be on the assessment rolls shall receive a classification based upon the use of the property. The department shall promulgate uniform definitions for all classifications. The department may designate other subclassifications of property. No assessment roll may be approved by the department which does not show proper classifications.

(1) Real property shall be classified according to the assessment basis of the land into the following classes:

(a) Residential, *subclassified into categories, one category for homestead property and one for nonhomestead property:*

1. Single family.
 2. Mobile homes.
 3. Multifamily.
 4. Condominiums.
 5. Cooperatives.
 6. Retirement homes.
- (b) Commercial and industrial.
- (c) Agricultural.
- (d) Nonagricultural acreage.
- (e) Exempt, wholly or partially.
- (f) Centrally assessed.
- (g) Leasehold interests.
- (h) Time-share property.
- (i) Other.

Section 65. Section 195.0985, Florida Statutes, is amended to read:

195.0985 Annual ratio studies; publication.—Annually, not later than 15 days following approval of the assessment roll for a county pursuant to s. 193.1142, the Department of Revenue shall publish *sales assessment-to-sales* ratio studies for that county.

Section 66. Subsection (13) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(13) "Real estate used and owned as a homestead" means real property to the extent provided in s. 6(a), Art. VII ~~and s. 4(a)(1), Art. X~~ of the State Constitution, but less any portion thereof used for commercial purposes, with the title of such property being recorded in the official records of the county in which the property is located.

Section 67. Subsections (8) and (9) of section 200.069, Florida Statutes, are amended to read:

200.069 Notice of proposed property taxes.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities within his jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice

shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(8) The notice shall further read:

Your property value as of January 1:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	\$	\$	\$	\$
Your Property Value This Year	\$	\$	\$	\$
Last year's assessed value: \$. . . (amount)				

If you feel that the *market assessed* value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at . . . (phone number) . . . or . . . (location) . . .

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE . . . (date) . . .

(9) The reverse side of the form shall read:

EXPLANATION

*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous *taxable assessed* value.

*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

For homestead property: value as limited by the State Constitution;

For agricultural and similarly assessed property: classified use value;

For all other property: market value.

*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

Section 68. (1) Subsection (4) is added to section 199.135, Florida Statutes, to read:

199.135 Due date and payment of nonrecurring tax.—The nonrecurring tax imposed on notes, bonds, and other obligations for payment of money secured by a mortgage, deed of trust, or other lien evidenced by a written instrument presented for recordation shall be due and payable when the instrument is presented for recordation. If there is no written instrument or if it is not so presented within 30 days following creation of the obligation, then the tax shall be due and payable within 30 days following creation of the obligation.

(1) Where an instrument giving rise to the mortgage, deed of trust, or other lien is recorded, the person recording it shall pay the tax to the clerk of the circuit court to whom the instrument is presented for recording. The clerk shall note the amount received upon the instrument. If the instrument is being recorded in more than one county, the tax may be paid to the clerk of circuit court in any such county, and, upon request, such clerk shall notify the clerks of circuit court in the other counties as to such payment.

(2) Where no instrument is recorded, the tax shall be paid to the department as provided by rule.

(3) No later than 7 working days after the end of each week, each clerk shall transmit to the department all nonrecurring intangible taxes collected during the preceding week, together with a report certifying the amount of tax collected with respect to all instruments upon which the tax was paid. Each clerk shall be compensated 0.5 percent of any tax he collects under s. 199.133 as collection costs in the form of a deduction from the amount of tax due and remitted by him, and the department shall allow the deduction to the clerk remitting the tax in the manner as provided by the department.

(4) With respect to the nonrecurring tax imposed pursuant to s. 199.133, the taxpayer shall be solely liable for payment of the tax but may pass on the amount of such tax to the borrower or mortgagor.

Section 69. It is the intent of the Legislature that the amendment to section 199.135, Florida Statutes, made by this act, is made for the purpose of clarifying and confirming the existing authority of mortgage lenders, under applicable law and practice, to pass on to borrowers and mortgagors the nonrecurring tax imposed pursuant to section 199.133, Florida Statutes.

Section 70. Effective July 1, 1994, and applicable to taxable years beginning on or after January 1, 1993, paragraph (b) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(b) Subtractions.—

1. There shall be subtracted from such taxable income:

a. The net operating loss deduction allowable for federal income tax purposes under s. 172 of the Internal Revenue Code for the taxable year,

b. The net capital loss allowable for federal income tax purposes under s. 1212 of the Internal Revenue Code for the taxable year,

c. The excess charitable contribution deduction allowable for federal income tax purposes under s. 170(d)(2) of the Internal Revenue Code for the taxable year, and

d. The excess contributions deductions allowable for federal income tax purposes under s. 404 of the Internal Revenue Code for the taxable year.

However, a net operating loss and a capital loss shall never be carried back as a deduction to a prior taxable year, but all deductions attributable to such losses shall be deemed net operating loss carryovers and capital loss carryovers, respectively, and treated in the same manner, to the same extent, and for the same time periods as are prescribed for such carryovers in ss. 172 and 1212, respectively, of the Internal Revenue Code.

2. There shall be subtracted from such taxable income any amount to the extent included therein the following:

a. Dividends treated as received from sources without the United States, as determined under s. 862 of the Internal Revenue Code.

b. All amounts included in taxable income under s. 78 or s. 951 of the Internal Revenue Code.

However, as to any amount subtracted under this subparagraph, there shall be added to such taxable income all expenses deducted on the taxpayer's return for the taxable year which are attributable, directly or indirectly, to such subtracted amount. Further, no amount shall be subtracted with respect to dividends paid or deemed paid by a Domestic International Sales Corporation.

3. In computing "adjusted federal income" for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within this state for the taxable year for which no deduction is allowed pursuant to s. 280C(a) of the Internal Revenue Code (relating to credit for employment of certain new employees).

4. There shall be subtracted from such taxable income any amount of nonbusiness income included therein.

5. There shall be subtracted any amount of taxes of foreign countries allowable as credits for taxable years beginning on or after September 1, 1985, under s. 901 of the Internal Revenue Code to any corporation which derived less than 20 percent of its gross income or loss for its taxable year ended in 1984 from sources within the United States, as described in s. 861(a)(2)(A) of the Internal Revenue Code, not including credits allowed under ss. 902 and 960 of the Internal Revenue Code, withholding taxes on dividends within the meaning of subparagraph 2.a., and withholding taxes on royalties, interest, technical service fees, and capital gains.

6. Notwithstanding any other provision of this code, except with respect to amounts subtracted pursuant to subparagraphs 1. and 3., any increment of any apportionment factor which is directly related to an increment of gross receipts or income which is deducted, subtracted, or otherwise excluded in determining adjusted federal income shall be excluded from both the numerator and denominator of such apportionment factor. Further, all valuations made for apportionment factor purposes shall be made on a basis consistent with the taxpayer's method of accounting for federal income tax purposes.

Section 71. Effective July 1, 1994, paragraph (b) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraph (b) of subsection (3) of section 212.0306, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

212.0306 Local option food and beverage tax; procedure for levying; authorized uses; administration.—

(1) Any county, as defined in s. 125.011(1), may impose the following additional taxes, by ordinance adopted by a majority vote of the governing body:

(b) At the rate of 1 percent on the sale of food, beverages, or alcoholic beverages in establishments that are licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels; however, the tax shall not apply to any *alcoholic beverage item* sold by the package for off-premises consumption.

(2)(a)1. ~~Beginning July 1 of each year, and effective until the following June 30,~~ The sales in any establishment licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels, that had gross annual revenues of \$400,000 or less in the previous calendar year, are exempt from the tax authorized by paragraph (1)(b).

2. For purposes of determining qualification for this exemption, each such establishment must determine the annual gross revenues of the business at the end of each calendar year. If an establishment's exemption status changes, the establishment must cease or begin collection of the tax effective the following February 1, in accordance with its new exemption status. An establishment must notify the tax collector of the county levying the tax of such change in writing no later than 20 days after the end of the calendar year.

3. Each newly opened establishment must collect the tax authorized by paragraph (1)(b) for 45 days commencing with its first day of business. After such time a newly opened business may cease collecting the tax if its projected gross annual revenues are \$400,000 or less. Projected gross annual revenues shall be determined by dividing gross revenues for the first 45 days by 45, and multiplying the resulting quotient by 365. Newly opened businesses which cease collecting the tax must notify the tax collector of the county levying the tax within 20 days after the last day the tax is collected. A newly opened establishment which has been in business for less than 45 days as of the end of its first calendar year is exempt from the provisions of subparagraph 2. for that calendar year.

(b) Sales in any veterans' organization, fraternal, or other chartered or incorporated club licensed under s. 565.02(4) are exempt from the tax authorized by paragraph (1)(b).

(3)

(b) For the first 12 months, the proceeds from the tax authorized by paragraph (1)(b) shall be used by the county to assist persons who have become, or are about to become, homeless. These funds shall be made available for emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment,

employment and training, education, and housing. Thereafter, not less than 15 percent of these funds shall be made available for construction and operation of domestic violence centers ~~a spouse abuse emergency treatment and shelter facility~~, and the remainder shall be used for the other purposes set forth in this paragraph. *In addition, the proceeds of the tax and the interest accrued on those proceeds may be used as collateral, pledged, or hypothecated for projects authorized by this paragraph, including bonds issued in connection therewith.* Prior to enactment of the ordinance levying and imposing the tax provided for by paragraph (1)(b), the county shall appoint a representative task force including, but not limited to, service providers, homeless persons' advocates, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for addressing the needs of persons who have become, or are about to become, homeless. The governing board of the county shall adopt this countywide plan for addressing homeless needs as part of the ordinance levying the tax.

(7) *Each county shall also appoint an oversight board including, but is not limited to, service providers, domestic violence victim advocates, members of the judiciary, concerned citizens, a victim of domestic violence, and impacted jurisdictions to prepare and submit to the governing board of the county for its approval a plan for disbursing the funds made available for the construction and operation of domestic violence centers. Each member of the county's governing board shall appoint a member, and the county manager shall appoint two members, to the oversight board.*

Section 72. Effective July 1, 1994, subsection (7) of section 212.0306, Florida Statutes, as created by chapter 93-233, Laws of Florida, is repealed.

Section 73. Subsection (2) of section 193.1142, Florida Statutes, is amended to read:

193.1142 Approval of assessment rolls.—

(2)(a) The executive director or his or her designee shall disapprove all or part of any assessment roll of any county not in full compliance with the administrative order of the executive director issued pursuant to the notice called for in s. 195.097 and shall otherwise disapprove all or any part of any roll not assessed in substantial compliance with law, as disclosed during the investigation by the department, including, but not limited to, audits by the Department of Revenue and Auditor General establishing noncompliance.

(b)1. If an assessment roll is disapproved under paragraph (a) and the reason for the disapproval is noncompliance due to material mistakes of fact relating to physical characteristics of property, the executive director or his or her designee may issue an administrative order as provided in s. 195.097. In such event, the millage adoption process, extension of tax rolls, and tax collection shall proceed and the interim roll procedures of s. 193.1145 shall not be invoked.

2. For the 1993 and 1994 assessment rolls, the executive director or his or her designee may invoke subparagraph 1. without disapproving an assessment roll or portion of an assessment roll. This subparagraph shall not be applied to a county more than once. This subparagraph expires December 31, 1994.

c. For purposes of this subsection, "material mistakes of fact" means any and all mistakes of fact relating to physical characteristics of property that, if included in the assessment of property, would result in a deviation or change in assessed value of the parcel of property.

Section 74. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 7, line 16, strike everything before the enacting clause and insert: An act relating to tax administration; amending s. 45.031, F.S., which provides procedures for judicial sales of real or personal property; providing for filing a copy of the report of disbursements with the Department of Revenue; amending s. 69.041, F.S., which provides requirements relating to certain civil actions in which the state is named a party; providing requirements relating to the right of the department to participate in the disbursement of surplus funds in mortgage foreclosure actions; providing applicability; amending s. 125.0104, F.S.; authorizing counties levying the areas of critical state concern tourist impact tax to collect and administer the tax on a local basis; amending s. 199.185, F.S., exempting certain taxpayers from intangible personal property tax

on accounts receivable derived from certain sales of alcoholic beverages; amending s. 199.232, F.S.; requiring the department to refund overpayments of intangible personal property tax without written claim; amending s. 206.028, F.S.; authorizing the Department of Revenue to contract with private companies to investigate applicants for a motor fuel refiner, importer, or wholesaler license; amending ss. 212.03, 212.06, and 212.18, F.S.; providing that persons who rent or grant a license to use accommodations in apartment houses, roominghouses, and tourist or trailer camps for periods longer than 6 months are not exercising a taxable privilege and are not considered sales tax dealers; amending s. 212.05, F.S.; providing an exemption from the sales and use tax for out-of-state sales of detective, burglar protection, and other protection services; providing for record keeping; amending s. 212.08, F.S.; exempting certain leases of or licenses to use taxicabs or taxicab related equipment and services from the sales and use tax; amending s. 212.11, F.S.; revising conditions under which the department may authorize quarterly or semiannual sales tax returns; amending s. 212.67, F.S., which authorizes refunds of the tax on sales of fuels; authorizing transit systems, municipalities, counties, and school districts that are licensed as special fuel dealers to take a credit in lieu of refund; amending s. 213.053, F.S.; authorizing the department to provide certain information relating to part I of chapter 212, F.S., to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services; amending s. 213.21, F.S.; authorizing the department to settle or compromise a taxpayer's liability for the service fee imposed on a dishonored check or draft under certain conditions; amending ss. 538.09 and 538.25, F.S.; revising the fee required for fingerprint processing of applicants for registration as a secondhand dealer or secondary metals recycler; authorizing the department to modify reporting or filing periods to facilitate calculation of penalty and interest due under certain conditions; amending s. 624.5092, F.S.; clarifying provisions which specify taxes and assessments to which the insurance retaliatory tax does not apply; including sales and use taxes; deleting reference to the domicile of alien insurers and defining "similar insurer"; providing legislative intent; amending s. 561.025, F.S., relating to the distribution of funds deposited into the Alcoholic Beverage and Tobacco Trust Fund; creating s. 561.12, F.S., relating to deposit of revenues; amending s. 196.011, F.S.; providing for granting late filed application for property tax exemption; providing retroactive application; amending ss. 72.011 and 120.575, F.S.; providing that provisions relating to the contesting of certain tax matters are applicable to chapters relating to tax on tobacco products, pari-mutuel wagering, and the Beverage Law; amending s. 72.031, F.S.; providing that the Department of Business and Professional Regulation is the defendant in such actions; reenacting and amending s. 95.091, F.S.; specifying the time limits for the department to determine and assess taxes; reenacting ss. 215.26(6) and 26.012(2), F.S., for the purpose of incorporating changes to s. 72.011, F.S.; amending s. 72.011, F.S.; granting a plaintiff additional time to comply with jurisdictional requirements in certain instances; providing a rebuttable presumption relating to de minimus errors; providing legislative intent; amending s. 193.075, F.S.; exempting certain mobile homes from ad valorem taxation; amending ss. 193.085, 194.171, F.S.; revising provisions relating to assessment of railroad property; authorizing the sharing of information; providing for venue in actions relating to such property; providing for suspension of collection of taxes in certain circumstances; amending s. 196.031, F.S.; prescribing requirements to be eligible for a homestead exemption; amending s. 196.101, F.S.; removing an award letter from the Social Security Administration to certify total and permanent disability for receiving an ad valorem tax exemption; permitting osteopathic physicians, in addition to physicians, to certify total and permanent disability; requiring the address of the physician on the physician's certificate certifying disability; amending ss. 196.101, 196.131, F.S.; requiring willfulness, in addition to knowledge, to be guilty of a misdemeanor and revising the penalty for giving false information to claim disability; amending s. 200.065, F.S.; deleting a requirement that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the Department of Revenue; amending ss. 193.1142 and 196.011, F.S.; requiring the inclusion of the social security numbers of an applicant for specified ad valorem tax exemptions, and of the applicant's spouse, if any, in exemption applications and assessment rolls; providing procedures for refiling of applications that omit the social security numbers; providing for implementation; providing a contingent effective date; providing that only property owned by persons not entitled to an exemption is subject to a tax lien; amending s. 196.041, F.S.; allowing lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a parcel in a residential subdivision to be deemed to have legal or beneficial and equitable title to property, thus qualifying them for a homestead exemption; amending s. 196.161, F.S.; requiring the property

appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest; clarifying that only property owned by the person improperly receiving the homestead exemption is subject to tax lien; amending ss. 119.232, 211.125, 220.727, F.S.; revising the period within which a claim for refund of an overpayment of tax may be filed with the Department of Revenue; amending s. 212.67, F.S.; revising the period during which records of the purchase of motor fuel and special fuel must be retained for purposes of claiming a tax refund; amending s. 215.26, F.S.; specifying the period within which an application for certain tax refunds must be filed with the Comptroller; providing an exemption from the documentary stamp tax imposed by s. 201.02, F.S., for real property transfers by certain corporations; providing for the repeal of the exemption; creating s. 196.1994, F.S.; providing an exemption from ad valorem taxes for certain space laboratories; amending s. 197.332, F.S.; providing that tax collectors shall be allowed to collect attorney's fees and court costs in performing their duties; amending s. 197.402, F.S.; revising the number of advertisements required for real property with delinquent taxes; amending s. 197.413, F.S.; providing that the tax collector is not required to issue a warrant for delinquent personal property taxes of less than \$50; providing an additional fee for each warrant issued; amending ss. 197.462 and 197.472, F.S.; increasing the fees collected by tax collectors for administering the transfer or redemption of tax certificates; amending s. 196.012, F.S.; revising the definition of "governmental, municipal, or public purpose or function" to provide that use of property by a lessee, licensee, or management company as a convention center, concert hall, arena, stadium, park, or beach which is open to the public is deemed to serve such purpose or function; providing that property deeded to a municipality by the United States which is required to be maintained for historical preservation, park, or recreational purposes is deemed to serve a municipal or public purpose; providing for severability; amending s. 220.13, F.S., which provides requirements for determination of adjusted federal income for corporate income tax purposes; providing for subtraction from taxable income of amounts included in taxable income under s. 951 of the Internal Revenue Code; amending s. 192.001, F.S.; redefining the term "assessed value of property," for purposes of ad valorem taxation, to include a reference to s. 4(c), Art. VII of the State Constitution; redefining the term "homestead" to delete reference to s. 4(a)(1), Art. X of the State Constitution; creating s. 193.155, F.S.; providing for implementing s. 4(c), Art. VII of the State Constitution, which prescribes limits in increases in valuation of homestead property; amending s. 193.461, F.S.; providing for separation of property containing a residence from property receiving agricultural classification which is under the same ownership; amending s. 195.073, F.S., to require that tax rolls be subdivided into homestead and nonhomestead property; amending s. 195.0985, F.S., to change the type of sales studies to be conducted by the department with county tax rolls; amending s. 196.012, F.S.; redefining the term "real estate used and owned as a homestead," for purposes of tax exemptions, to delete reference to s. 4(a)(1), Art. X of the State Constitution; amending s. 200.069, F.S.; including additional assessment information pertaining to homesteads; amending s. 199.135, F.S.; providing that the taxpayer is solely liable for payment of the nonrecurring tax; providing authority to pass on the amount of the tax; providing intent; amending s. 212.0306, F.S.; relating to the county local option food and beverage tax; clarifying the applicability of the optional 1-percent tax; providing for projecting the annual gross revenues of certain new businesses, to determine their eligibility for exemption from the tax; providing additional purposes, including bonds, for which the tax proceeds and the interest accrued thereon may be used; requiring an advisory body to the county commissioners; repealing s. 212.0306(7), F.S., which provides for October 1, 2008, repeal of such section; amending s. 193.1142, F.S.; defining "material mistakes of fact" for purposes of s. 193.1142 (2), F.S.; providing effective dates.

Senator Wexler moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with Title Amendment)—On page 74, between lines 27 and 28, insert:

Section 74. Subsection (2) of section 320.131, Florida Statutes, as amended by chapter 93-120, Laws of Florida, is amended to read:

320.131 Temporary tags.—

(2) The department is authorized to sell temporary tags, in addition to those listed above, to their agents and where need is demonstrated by a consumer complainant. The fee shall be \$2 \$4 each. *One dollar from each tag sold shall be deposited into the Impaired Drivers and Speeders*

Trust Fund, with the remaining proceeds being deposited into the Highway Safety Operating Trust Fund. Agents of the department shall sell temporary tags for \$2 \$1 each and shall charge the service charge authorized by s. 320.04 per transaction, regardless of the quantity sold. Requests for purchase of temporary tags to the department or its agents shall be made, where applicable, on letterhead stationery and notarized. A temporary tag shall be valid for 30 days and no more than two shall be issued to the same person for the same vehicle.

And the title is amended as follows:

In title, on page 83, line 9, after the semicolon (;) insert: amending s. 320.131, F.S., increasing a fee charged for temporary tags; providing for distribution of new proceeds to the Impaired Drivers and Speeders Trust Funds;

Senator Gutman moved the following amendment to **Amendment 1** which failed:

Amendment 1B (with Title Amendment)—On page 74, between lines 28 and 29, insert:

Section 6. Subsections (6) and (13) of section 196.012, Florida Statutes, are amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. *The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, marina or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historical preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The use by a lessee of real property as a recreational facility is deemed a use that serves a governmental, municipal, or public purpose or function when such property is used by a nonprofit lessee, holding a current exemption from federal income tax under s. 501(c)(7) of the Internal Revenue Code, when such property under the terms of the lease is available for regular use by local governments and community groups, and when such property is listed in a local historic register as a contributing structure within an historic district. The term "governmental purpose" also includes a direct use of property on federal lands in connection with the Federal Government's Space Exploration Program. Real property and tangible personal property owned by the Federal Government and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. "Owned by the lessee" as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated*

as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee.

Section 7. If the provision of this act amending s. 196.012(6), F.S., is held to be invalid or inoperative for any reason, it is the legislative intent that the invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Section 8. Except as otherwise provided herein, this act shall take effect upon becoming a law and shall apply to the 1994 tax year.

And the title is amended as follows:

In title, on page 83, line 9, after "F.S.;" insert: amending s. 196.012, F.S.; revising the definition of "governmental, municipal, or public purpose or function" to provide that use of property by a lessee, licensee, or management company as a convention center, concert hall, arena, stadium, park, or beach which is open to the public is deemed to serve such purpose or function; providing that property deeded to a municipality by the United States which is required to be maintained for historical preservation, park, or recreational purposes is deemed to serve a municipal or public purpose; providing for severability; providing that property used as a recreational facility, under certain conditions, is deemed to serve a municipal or public purpose; providing that recreational property, under certain conditions, is deemed to serve a municipal or public purpose;

Amendment 1 as amended was adopted.

On motion by Senator Wexler, by two-thirds vote **HB 2557** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Holzendorf, by unanimous consent **SB 1066** was taken up out of order.

On motions by Senator Holzendorf, by two-thirds vote **CS for HB 413** was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Holzendorf—

CS for HB 413—A bill to be entitled An act relating to public employees; amending s. 112.061, F.S.; increasing the mileage allowance for the use of privately owned motor vehicles for state travel; providing an effective date.

—a companion measure, was substituted for **SB 1066** and read the second time by title. On motion by Senator Holzendorf, by two-thirds vote **CS for HB 413** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30 Nays—None

SB 2288—A bill to be entitled An act relating to actions under the antitrust laws; amending s. 16.53, F.S., relating to the Legal Affairs Revolving Trust Fund; revising the percentages of moneys recovered by the Attorney General, for purposes of deposit into the fund; revising the amount of excess moneys for transfer to the General Revenue Fund at the end of the fiscal year; reenacting and amending ss. 337.166 and 895.09(2) and (3), F.S., relating to antitrust claims and disposition of forfeiture proceeding funds, to conform; amending s. 542.26, F.S.; imposing a 5-year limitation of actions period for the commencement of criminal and civil antitrust actions; providing an effective date.

—was read the second time by title.

Four amendments were adopted to **SB 2288** to conform the bill to **CS for HB 551**.

Pending further consideration of **SB 2288** as amended, on motions by Senator Jenne, by two-thirds vote—

CS for HB 551—A bill to be entitled An act relating to actions under the antitrust laws; creating the Florida False Claims Act; providing purpose of the act; providing definitions; creating a civil cause of action against persons and entities who present false claims against the state; providing for civil penalties and treble damages; providing procedures to bring or intervene in civil actions for false claims; authorizing the Department of Legal Affairs to investigate and to bring a civil action; providing for review and repeal; authorizing private citizens to bring a civil action for violations of the act; authorizing the Department of Legal Affairs or the Department of Banking and Finance to intervene in such an action; providing for rights of the parties to civil actions; providing for awards to the parties who bring civil actions; providing for reduction of treble damages awards under certain circumstances and requiring a written order; providing for an award of expenses, attorney's fees, and costs; authorizing limited stays of discovery in certain circumstances; providing exemptions from the civil cause of action; authorizing certain compromise and settlement; providing protections to participating employees; providing for agency awards and for deposit of remaining proceeds; providing for a statute of limitations for civil actions for false claims against the state; providing for construction and severability; providing for burden of proof; amending s. 16.53, F.S.; providing for deposit of moneys recovered under the act in the Legal Affairs Revolving Trust Fund or the Administrative Trust Fund of the Department of Banking and Finance; amending s. 16.53, F.S., relating to the Legal Affairs Revolving Trust Fund; revising the percentages of moneys recovered by the Attorney General, for purposes of deposit into the fund; revising the amount of excess moneys for transfer to the General Revenue Fund at the end of the fiscal year; reenacting and amending ss. 337.166 and 895.09(2) and (3), F.S., relating to antitrust claims and disposition of forfeiture proceeding funds, to conform; amending s. 542.26, F.S.; imposing a 4-year limitation of actions period for the commencement of criminal and civil antitrust actions; providing an effective date.

—a companion measure, was substituted for **SB 2288** and by two-thirds vote read the second time by title.

On motion by Senator Jenne, by two-thirds vote **CS for HB 551** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Diaz-Balart, by two-thirds vote **CS for HB 1309** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Diaz-Balart—

CS for HB 1309—A bill to be entitled An act relating to postsecondary education; amending s. 240.498, F.S.; creating a legal education component of the Florida Education Fund; providing a law school scholarship program and a pre-law scholarship loan program and specifying requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 2872** and read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 1309** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motions by Senator Dudley, by two-thirds vote **HB 2419** was withdrawn from the Committees on Education and Appropriations.

On motions by Senator Dudley, by unanimous consent—

HB 2419—A bill to be entitled An act relating to postsecondary education; providing a name for the tenth university; providing for transfer to Edison Community College of title to certain property and buildings of the University of South Florida; providing for lease of facilities; requiring recommendation for compensation; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1—On page 1, line 15, strike "*Florida Everglades*" and insert: *Florida Gulf Coast*

On motion by Senator Dudley, by two-thirds vote **HB 2419** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

MOTION TO RECONSIDER

Senator Hargrett moved that the Senate reconsider the vote by which **CS for HB 1309** passed this day. The motion was placed on the calendar.

On motion by Senator Crist, by two-thirds vote **HB 601** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Crist—

HB 601—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.138, F.S.; providing additional circumstances which may constitute a nuisance subject to local administrative action; providing for additional action which may be taken by a nuisance abatement board; providing a definition; providing an effective date.

—a companion measure, was substituted for **SB 2898** and read the second time by title. On motion by Senator Crist, by two-thirds vote **HB 601** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

CS for SB 664—A bill to be entitled An act relating to homestead exemptions; creating s. 196.1977, F.S.; providing a homestead exemption for low-income-housing tax-credit developments; providing an effective date.

—was read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for SB 664** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Dantzler, by two-thirds vote **CS for HB 1317** was withdrawn from the Committees on Finance, Taxation and Claims; Community Affairs; and Appropriations.

On motion by Senator Dantzler—

CS for HB 1317—A bill to be entitled An act relating to fuel tax administration; amending s. 206.45, F.S.; requiring the Department of Revenue to deduct the proportionate share of the costs of administering the taxes deposited into the Gas Tax Collection Trust Fund; amending s. 206.60, F.S.; limiting the amount the department may deduct from the proceeds of the county tax on motor fuel to pay for administering the tax; amending ss. 206.605 and 206.875, F.S.; specifying that the department may deduct administrative costs from proceeds of the municipal tax on motor fuel and the tax on special fuels and limiting such deductions; amending ss. 206.9845 and 212.69, F.S.; specifying that the department may deduct administrative costs from the proceeds of the tax on aviation fuel and the tax on the sale of motor and special fuels and limiting such deductions; amending ss. 336.021 and 336.025, F.S.; authorizing the department to deduct administrative costs from proceeds of the ninth-cent gas tax and the local option gas tax and limiting such deductions; requiring the department to allocate the administrative costs according to a specified formula; amending s. 336.026, F.S.; authorizing the department to deduct administrative costs from proceeds of the State Comprehensive Enhanced Transportation System Tax and limiting such deductions; providing a schedule for the period July 1, 1994-June 30, 1999, under which the costs of administration of specified fuel taxes will be deducted from the proceeds of the county tax on motor fuel in decreasing proportion and from the proceeds of those taxes in increasing proportion;

amending s. 206.877, F.S.; exempting vehicles fueled by alternative fuels which are operated by state or local governmental agencies from the annual decal fee imposed in lieu of the tax on special fuels; providing effective dates.

—a companion measure, was substituted for **CS for SB 1338** and read the second time by title. On motion by Senator Dantzler, by two-thirds vote **CS for HB 1317** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Dantzler, by two-thirds vote **HB 1209** was withdrawn from the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

On motion by Senator Dantzler, by unanimous consent—

HB 1209—A bill to be entitled An act relating to Apalachicola Bay oyster harvesting licenses; amending s. 370.06, F.S.; redefining the term “resident” for purposes of the license; revising provisions relating to license application periods and late application fees, which provisions were scheduled for repeal on July 1, 1994; providing an effective date.

—was taken up out of order. On motions by Senator Dantzler, by two-thirds vote **HB 1209** was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motions by Senator Forman, by two-thirds vote **CS for HB 1999** was withdrawn from the Committees on Governmental Operations and Appropriations.

On motions by Senator Forman, the rules were waived and by two-thirds vote—

CS for HB 1999—A bill to be entitled An act relating to information resources management; amending s. 20.055, F.S.; encouraging inclusion of electronic data processing auditors on agency internal audit staffs; amending s. 20.22, F.S.; changing the name of the Administrative Management Information Center of the Department of Management Services; amending s. 112.3145, F.S.; providing that members of the Information Technology Resource Procurement Advisory Council are specified state employees for the purpose of financial disclosure; amending ss. 119.083; correcting a cross reference; amending s. 186.021, F.S.; requiring state agency strategic plans to identify information resources management needs associated with agency programs; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider in its review of state agency strategic plans the findings of the Information Resource Commission with respect to the strategic information resources management issues; amending s. 216.0445, F.S.; requiring the Information Resource Commission to make recommendations on projects to be designated for special monitoring; amending s. 216.163, F.S.; requiring the Governor's recommended budget to include recommendations, including proviso language, designating information resource management projects for special monitoring and designation of the project monitor; amending s. 282.004, F.S.; amending legislative intent with respect to information resources management; creating s. 282.20, F.S.; designating the Technology Resource Center of the Department of Management Services as an information system utility; assigning duties; creating a data processing policy board for the center; specifying members; amending s. 282.303, F.S.; redefining the term “information resources management”; amending s. 282.304, F.S.; providing that the executive administrator of the Information Resource Commission shall be subject to an annual performance contract by the commission; clarifying the independence of the commission; specifying duties of the executive administrator; repealing s. 282.306, F.S., relating to the executive administrator of the Information Resource Commission; amending s. 282.305, F.S.; adding to the duties of the Information Resource Commission; directing the commission to work in conjunction with the Information Resources Management Advisory Council and the Department of Management Services when agencies request assistance with specified projects; changing the date for submitting information resources management issues for inclusion in the legislative budget instructions; requiring the Information Resource Commission to prepare a list of the projects designated for special monitoring in the

General Appropriations Act and submitting the list to designated recipients; requiring the Information Resource Commission to develop recommendations on streamlining data centers; correcting a cross reference; amending s. 282.3061, F.S.; requiring the State Strategic Plan for Information Resources Management to include a description of the projects designated for special monitoring; requiring the executive administrator to provide quarterly progress reports to the commission on the implementation of such plan; amending s. 282.3062, F.S.; changing the date for submission by the Board of Regents of its annual report on information resources management; amending s. 282.307, F.S.; making agency information resources management plans consistent with agency strategic plans; amending s. 282.308, F.S.; correcting terminology to conform; amending s. 282.312, F.S.; requiring agency annual performance reports to include an explanation of notable difficulties incurred during the course of an information resource management project; requiring the reports to also include an assessment of information resources management issues relating to personnel; amending s. 282.313, F.S.; authorizing data processing boards to expend funds for specified research and development projects; authorizing specified agreements; amending s. 282.314, F.S.; authorizing the Information Resources Management Advisory Council to provide assistance to state agencies upon request; requiring the council to advise the Department of Management Services; amending s. 282.318, F.S.; relating to security of data and information technology resources; requiring agencies to note the percentage of critical applications that have contingency plans; creating s. 282.322, F.S.; creating a special monitoring process for designated information resources management projects; providing for contracting for project monitors; providing for reports; amending s. 287.073, F.S.; requiring the Information Technology Resource Procurement Advisory Council to review certain additional contracts; requiring major changes to projects subject to the council's review to be considered by the council and other original approval authorities; providing a definition; requiring council review of certain project contracts and contract dissolutions before their execution; prescribing duties of the council relating to contract review and inclusion of specified provisions; modifying the membership of the council, requiring council action to be a majority of those present; amending ss. 6 and 8, ch. 93-278, L.O.F., extending the date for the Department of Management Services to develop criteria for delegating varying levels of purchasing authority to agencies; extending the date for the Department of Management Services to develop model contracts for information technology resources acquisitions; specifying certain requirements for the model contracts; requiring the Department of Management Services to develop model procurement documents for information technology resources; requiring a report by the Department of Management Services; requiring the Department of Management Services to establish a negotiating team for information technology resources; requiring the Information Resource Commission to contract for a baseline assessment of all state data centers; specifying contract requirements; providing for an effective date.

—a companion measure, was substituted for **CS for CS for SB's 1636, 1850, 2240 and 2568** and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote **CS for HB 1999** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Weinstein, by two-thirds vote **CS for HB 1813** was withdrawn from the Committees on Education, Governmental Operations and Appropriations.

On motion by Senator Weinstein—

CS for HB 1813—A bill to be entitled An act relating to child care at community colleges; amending s. 240.382, F.S.; providing legislative intent; authorizing community college district boards of trustees to establish child development training centers at community colleges and providing for operation thereof; providing for a board of directors and a director for each center; authorizing the centers to charge fees; providing for adoption of rules by the State Board of Community Colleges; providing for funding of the centers; specifying that these provisions do not affect existing community college child care centers; providing an effective date.

—a companion measure, was substituted for **SB 1800** and read the second time by title. On motion by Senator Weinstein, by two-thirds vote **CS for HB 1813** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Bankhead, by two-thirds vote **HB 545** was withdrawn from the Committees on Governmental Operations; Commerce; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Bankhead—

HB 545—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S.; providing that investment-related equipment or software associated with investments of state money by the Treasurer is exempt from chapter 287, F.S., relating to procurement of property; amending s. 18.125, F.S.; revising the annual assessment made against the average daily balance of funds made available by state agencies and the judicial branch for investment by the Treasurer; amending s. 20.13, F.S.; eliminating the Division of Benefits within the Department of Insurance and providing for assumption of its duties by the Division of Treasury; providing an effective date.

—a companion measure, was substituted for **SB 2034** and read the second time by title. On motion by Senator Bankhead, by two-thirds vote **HB 545** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motions by Senator Jones, the rules were waived and by two-thirds vote—

CS for HB 1325—A bill to be entitled An act relating to public construction; amending s. 255.20, F.S.; requiring counties, municipalities, and other political subdivisions to competitively award construction projects exceeding \$200,000 in cost; defining “competitively award”; providing exceptions; providing requirements for award of contracts; providing applicability; authorizing counties, municipalities, and other political subdivisions to participate as bidders under specified conditions; requiring the Department of Management Services to adopt rules; providing for implementation; amending s. 255.22, F.S.; revising language with respect to the reconveyance of lands which had been conveyed to a municipality or county for a specified purpose or use; providing, for purposes of the section, that land conveyed or dedicated in connection with a land development approval shall be deemed to have been conveyed for valuable consideration; providing an effective date.

—a companion measure, was substituted for **CS for SB 2144** and by two-thirds vote read the second time by title. On motion by Senator Jones, by two-thirds vote **CS for HB 1325** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Foley, by two-thirds vote **CS for HB 173** was withdrawn from the Committees on Transportation; and Finance, Taxation and Claims.

On motion by Senator Foley—

CS for HB 173—A bill to be entitled An act relating to motor vehicle registration; amending s. 320.055, F.S.; providing for staggered renewal dates for renewal of motor vehicle registrations for certain short term rental vehicles; providing an effective date.

—a companion measure, was substituted for **CS for SB 466** and read the second time by title.

Senator Foley moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, between lines 28 and 29, insert:

Section 2. Subsection (1) of section 318.141, Florida Statutes, is amended to read:

318.141 Enforcement; traffic control officers and traffic infraction enforcement officers.—

(1)(a) Any sheriff's department, or any police department of a chartered municipality, may employ, as a traffic control officer, any individ-

ual who successfully completes at least 8 hours of instruction in traffic control procedures through a program approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program offered by the local sheriff's department or police department, but who does not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13. A traffic control officer employed pursuant to this subsection is authorized to direct traffic or operate a traffic control device only at a fixed location and only upon the direction of a fully qualified law enforcement officer; however, it is not necessary that such traffic control officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

(b) *In the case of a special event or activity in relation to which a nongovernmental entity is paying for traffic control on public streets, highways, or roads, traffic control officers may be employed to perform such traffic control responsibilities only when off-duty full-time law enforcement officers, as defined in s. 943.10(1), are unavailable to perform those responsibilities. However, this paragraph may not be construed to limit the use of traffic infraction enforcement officers for traffic enforcement purposes.*

(c)(b) Nothing in this subsection shall be construed to permit the carrying of firearms or other weapons, nor shall traffic control officers have arrest authority.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 6, after the semicolon (;) insert: amending s. 318.141, F.S.; authorizing the use of traffic control officers to perform traffic control responsibilities during specified special events or activities under certain circumstances;

RECONSIDERATION OF AMENDMENT

On motion by Senator Foley, the Senate reconsidered the vote by which **Amendment 1** was adopted. The question recurred on **Amendment 1** which was adopted. The vote was:

Yeas—20 Nays—14

On motion by Senator Foley, by two-thirds vote **CS for HB 173** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

RECONSIDERATION

On motion by Senator Silver, the Senate reconsidered the vote by which—

HB 601—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.138, F.S.; providing additional circumstances which may constitute a nuisance subject to local administrative action; providing for additional action which may be taken by a nuisance abatement board; providing a definition; providing an effective date.

—passed this day.

Senator Crist offered the following amendment which was moved by Senator Silver and adopted by two-thirds vote:

Amendment 1—On page 1, lines 29 and 30 and on page 2, lines 1-6, strike all of said lines and insert: *manufacture, or cultivation of any controlled substance; or as the site of a violation of s. 796.07, or*

(d) Any place or building used by a youth and street gang for the purpose of conducting a pattern of youth and street gang activity

On motion by Senator Silver, **HB 601** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

On motion by Senator Harden, by unanimous consent **CS for SB 2592** was taken up out of order.

On motions by Senator Harden, by two-thirds vote **CS for HB 1917** was withdrawn from the Committees on Governmental Operations, Education and Appropriations.

On motion by Senator Harden—

CS for HB 1917—A bill to be entitled An act relating to community service; creating s. 14.29, F.S.; creating the Florida Commission on Community Service; providing legislative intent; creating the commission in the Executive Office of the Governor; providing for the membership of the commission; providing for terms of members; providing for the powers and duties of the commission; authorizing the creation of a direct-support organization; providing for a contract; providing for an annual report; directing the Governor to notify the Corporation for National and Community Service of the establishment of the commission; providing an effective date.

—a companion measure, was substituted for **CS for SB 2592** and read the second time by title. On motion by Senator Harden, by two-thirds vote **CS for HB 1917** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Senate resumed consideration of—

SB 1976—A bill to be entitled An act relating to elections; amending ss. 100.342, F.S., 101.161, F.S.; prohibiting certain legal actions for the failure to provide notice of a special election or referendum or to comply with certain provisions governing the substance or title requirements for the ballot; providing for applicability to certain pending actions; providing an effective date.

—which had been previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Crenshaw, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Crenshaw moved the following amendment to **Amendment 1**:

Amendment 1A (with Title Amendment)—On page 2, between lines 2 and 3, insert:

Section 2. Section 106.1445, Florida Statutes, is created to read:

106.1445 Circumvention of campaign contribution limits prohibited.—

(1) Inasmuch as the Legislature has determined that the imposition and enforcement of campaign contribution limits are essential to maintaining public confidence in the electoral process, a person who seeks to qualify for nomination or election to a public office or who holds an elective public office may not use a petition drive for a constitutional amendment to evade the limitations on campaign contributions prescribed by law.

(2) Upon opening an account pursuant to s. 106.021, any person eligible to receive funds from the Election Campaign Financing Trust Fund may not appear, or allow his name or image to be used, in any print, broadcast, cable, or mail advertisement that supports or opposes a constitutional amendment, unless:

(a) The advertisement is paid for by that person or a campaign account established under s. 106.021; or

(b) The political committee or committee of continuous existence that is promoting the constitutional amendment petition, or proposed constitutional amendment, establishes a maximum contribution limit of \$500 or less for a contribution from any person.

(3) In addition to any other penalty provided under s. 106.265, a person who violates subsection (2) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 8, after the semicolon (;) insert: creating s. 106.1445, F.S.; prohibiting a specified candidate for public office from allowing his name or image to be used in support or opposition of a constitutional amendment; providing a penalty;

Senator Boczar moved the following substitute amendment which failed:

Amendment 1B—On page 1, line 4, after “prohibited” insert: ; Tom Gallagher Gag Law.

The question recurred on **Amendment 1A** which was adopted.

Senator Bankhead moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with Title Amendment)—On page 1, between lines 11 and 12, insert:

Section 1. (1) There is created the Citizen Initiative Alternative Task Force to study alternative methods for citizens to directly impact the course of government.

(2) The task force shall be housed in the Department of State for the administrative purposes and shall be composed of seven members, two to be appointed by the Governor, one to be appointed by the President of the Senate, one to be appointed by the Speaker of the House of Representatives, one to be appointed by the Chief Justice of the Supreme Court, one to be appointed by the Secretary of State and one to be appointed by the Attorney General.

(3) The task force shall meet as soon as possible after the members are appointed and shall elect a chairman, and shall meet as often as necessary at the call of the chairman. The task force shall submit a report and recommendations concerning alternative citizen initiatives before December 31, 1994, to the Governor, the Speaker of the House of Representatives and the President of the Senate, the Chief Justice of the Supreme Court, the Secretary of State and the Attorney General.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 16, after the semicolon (;) insert: creating the Citizen Initiative Alternative Task Force; providing for membership; requiring a report

Senator Crist moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with Title Amendment)—On page 1, between lines 11 and 12, insert:

(4) *Any challenge to the legal sufficiency of the substance or ballot title of a constitutional amendment proposed by the constitution revision commission or by the taxation and budget reform commission must be filed in circuit court no later than 165 days prior to the general election. In any proceeding in which the Supreme Court finds that the substance or ballot title of a constitutional amendment proposed by the constitution revision commission or by the taxation and budget reform commission does not meet the requirements of subsection (1), the Supreme Court shall return the nonconforming ballot language to the commission proposing the amendment for that commission to revise and bring into compliance with those requirements. That commission must submit the revised ballot language to the Secretary of State no later than the 91st day preceding the general election at which that proposed amendment is to be submitted to a vote of the electors. Nothing herein shall be construed to prohibit a challenge on any other grounds, including, but not limited to, single-subject requirements.*

And the title is amended as follows:

In title, on page 3, line 16, after the semicolon (;) insert: providing filing requirements for challenges to the legal sufficiency of the ballot language of a constitutional amendment proposed by the constitution revision commission or the taxation and budget reform commission; providing for revision of the ballot language of such a proposed constitutional amendment under certain circumstances;

Amendment 1 as amended was adopted.

On motion by Senator Crenshaw, by two-thirds vote **SB 1976** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36 Nays—1

CS for SB 2264—A bill to be entitled An act relating to motor vehicle service agreement companies; amending s. 634.011, F.S.; revising the definition of the term "motor vehicle" to exclude certain vehicles; providing an effective date.

—was read the second time by title. On motion by Senator Burt, by two-thirds vote **CS for SB 2264** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

On motions by Senator Jennings, by two-thirds vote **CS for HB 1741** was withdrawn from the Committees on Commerce and Judiciary.

On motion by Senator Jennings—

CS for HB 1741—A bill to be entitled An act relating to condominiums; creating s. 73.073, F.S.; providing a special procedure with respect to condominium common elements subject to eminent domain; providing legislative intent; amending s. 718.111, F.S.; authorizing a condominium association to convey a portion of the common elements to a condemning authority for certain purposes; amending s. 718.112, F.S.; providing an additional required provision in condominium bylaws; providing an effective date.

—a companion measure, was substituted for **CS for SB 2408** and read the second time by title. On motion by Senator Jennings, by two-thirds vote **CS for HB 1741** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33 Nays—None

The Senate resumed consideration of—

SB 1566—A bill to be entitled An act relating to sentencing for crimes; amending s. 775.087, F.S.; prescribing a mandatory minimum sentence of imprisonment for a person convicted of any of specified crimes if the person willfully discharged a firearm; prescribing a mandatory minimum sentence of imprisonment with respect to a second or subsequent imposition of a mandatory minimum sentence of imprisonment for any of specified crimes if the person had in his possession a firearm or destructive device, the person willfully discharged a firearm, or the person had in his possession a semiautomatic firearm with a high-capacity detachable box magazine or a machine gun; prohibiting the withholding of adjudication of guilt or the suspension or deferral of sentence in such cases; providing that an offender sentenced to a mandatory term of imprisonment in any of such cases is not eligible for any form of gain-time or early release; providing an effective date.

—which had been previously considered and amended this day.

RECONSIDERATION OF AMENDMENT

On motion by Senator Silver, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Meadows moved the following amendments to **Amendment 1** which were adopted:

Amendment 1A (with Title Amendment)—On page 4, between lines 2 and 3, insert:

Section 2. Section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, in the presence of one or more persons in a rude, careless, angry, or threatening manner, not in lawful self-defense, on any educational plant, ancillary plant the grounds or facilities of any school, school bus, or school bus stop; commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) A person shall not possess any firearm, electric weapon or device, destructive device, or other weapon on any educational plant, ancillary plant the property of any school, school bus, or school bus stop, or in an unattended vehicle located on an educational plant or ancillary plant; however, a person may carry a firearm:

1. In a case to a firearms program, class, or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried; or
2. In a case to a vocational school having a firearms training range; or
3. In a vehicle pursuant to s. 790.25(5). This exemption does not apply to juveniles under 18 years of age.

For the purposes of this section, "school" means any preschool, elementary school, middle school, junior high school, secondary school, vocational school, or postsecondary school, whether public or nonpublic. "Educational plant" comprises the educational facilities, site, and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the educational program of each plant, whether public or nonpublic. "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program, whether public or nonpublic.

(b) A person who willfully and knowingly possesses any electric weapon or device, destructive device, or other weapon in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully and knowingly possesses any firearm in violation of this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A person who discharges any weapon or firearm while in violation of paragraph (a), unless discharged for lawful defense of himself or another or for a lawful purpose, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) The penalties of this subsection shall not apply to persons licensed under s. 790.06. Persons licensed under s. 790.06 shall be punished as provided in s. 790.06(12), except that a licensee who unlawfully discharges a weapon or firearm on school property as prohibited by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to any law enforcement officer as defined in s. 943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14).

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 5, line 13, after the semicolon (;) insert: amending s. 790.115, F.S.; prohibiting the possession or discharge of a weapon or firearm on an educational plant or ancillary plant, or in an unattended vehicle located thereon, under specified circumstances; providing for penalties; providing exemptions for law enforcement officers;

Amendment 1B—On page 4, line 16, strike "sentencing" and insert: violent offenses

Amendment 1 as amended was adopted.

On motion by Senator Silver, by two-thirds vote **SB 1566** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

LOCAL BILLS

SB 2964—A bill to be entitled An act relating to Broward County; authorizing the Broward County Board of County Commissioners to permit private organizations performing work on behalf of an auto dealer to operate a branch auto tag agency as an agent of the Florida Department of Highway Safety and Motor Vehicles and Broward County, as Tax Collector, to sell and distribute motor vehicle licenses under the rules and regulations as established by law and local ordinance; providing for the repeal of inconsistent laws; providing an effective date.

—was read the second time by title.

Senator Meadows moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 1, strike all of lines 17-28 and insert:

Section 1. The Broward County Office of Finance and Administrative Services, to which all the functions of the tax collector have been transferred pursuant to county charter, is authorized to appoint private organizations performing work on behalf of an auto dealer to operate a branch auto tag agency as an agent of that office.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike all of lines 3-12 and insert: the Broward County Office of Finance and Administrative Services to permit private organizations performing work on behalf of an auto dealer to operate a branch auto tag agency to act as an agent of that office;

On motion by Senator Meadows, by two-thirds vote **SB 2964** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Thomas, by two-thirds vote—

HB 2805—A bill to be entitled An act relating to Liberty County; repealing chapter 65-1849, Laws of Florida, which places a \$450 limitation on the value of items which may be purchased by the county without competitive bidding; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

HB 819—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue an alcoholic beverage license to the Lowry Park Zoological Society of Tampa, Inc., for use at the Lowry Park Zoological Garden, for special events only; authorizing transfer of the license to qualified applicants; providing for automatic reverter of the license; prohibiting sales for consumption off premises; providing for severability; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 819** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

HB 821—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the City of Tampa for use within the complex known as the Tampa Museum of Art; providing for application; providing for transfer; repealing ch. 73-635, Laws of Florida, relating to issuance of a liquor license for use within the complex known as Curtis Hixon Hall; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote **HB 821** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Foley, by two-thirds vote—

HB 347—A bill to be entitled An act relating to Lee County; amending ch. 76-408, Laws of Florida, as amended; expanding the boundaries of the Estero Fire Protection and Rescue Service District; providing for a referendum; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Foley, by two-thirds vote—

HB 349—A bill to be entitled An act relating to the Lehigh Acres Fire Control and Rescue District, Lee County; amending ch. 63-1546, Laws of Florida, as amended; authorizing the Lehigh Acres Fire Control and Rescue District to provide ambulance and advanced life support services and to purchase, own, and dispose of ambulance and advanced life support equipment; providing for user fees; providing for a referendum; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Foley, by two-thirds vote—

HB 411—A bill to be entitled An act relating to Lee County; amending ch. 76-411, Laws of Florida, as amended; expanding the boundaries of the San Carlos Park Fire Protection and Rescue Service District; providing for a referendum.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Jennings, by two-thirds vote—

HB 1073—A bill to be entitled An act relating to the City of Belle Isle, Orange County; amending ch. 75-329, Laws of Florida; authorizing the city council to amend, by ordinance and without referendum, for one time only, the city charter to provide for a new general election date for municipal elections, to provide for new beginning dates for terms of office, and to provide for limited extended or shortened terms for certain incumbents to coincide with such new election date; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Jennings, by two-thirds vote—

HB 1075—A bill to be entitled An act relating to the City of Edgewood; providing the City Council of the City with the authority, by ordinance and without referendum, to amend the City's Charter to provide for new election dates for municipal elections, and to further amend the City's Charter to provide for new beginning dates for terms of office and to provide for extended or shortened terms for incumbents to coincide with such new election dates; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Harden, by two-thirds vote—

HB 1225—A bill to be entitled An act relating to the Ocean City-Wright Fire Control District, Okaloosa County; amending chapter 78-570, Laws of Florida, as amended; providing that the Board of Commissioners of the Fire Control District shall have the authority to levy ad valorem taxes against the taxable property in the district to provide funds for the purposes of the district in an amount not to exceed 3 mills; providing for a referendum; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Foley, by two-thirds vote—

HB 1663—A bill to be entitled An act relating to the Northern Palm Beach County Water Control District, Palm Beach County; providing for additional powers of the district to provide, finance, construct, operate, and maintain community or public activity, cultural, and educational centers and facilities, including equipment and apparatus required or related thereto; providing for financing, construction, operation, and maintenance of public and/or community or public preserves, playgrounds, amphitheaters, recreation, and sports areas and facilities, including equipment and apparatus required or related thereto; providing for the exclusive use by and benefit to a unit of development and its owners, residents, and invitees of district improvements; providing for appointment of an officer or employee to recommend for adoption district policies and procedures for the management and operation of the district, including delegation of enforcement and implementation of the policies and procedures; providing for adoption, by resolution, of rules and procedures for the letting of contracts, the costs of which do not exceed the Category 3 amount of s. 287.017, F.S.; deleting the requirement of landowner consent prior to inclusion of herein-identified lands within a unit of development for installation of drainage improvements; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Jennings, by two-thirds vote—

HB 2049—A bill to be entitled An act relating to the City of Winter Park; providing the City Commission of the City with the authority, by ordinance and without referendum, to amend the City's municipal charter to provide for new election dates for municipal elections, and to further amend the City's municipal charter to provide for new beginning dates for terms of office and to provide for extended or shortened terms for incumbents to coincide with such new election dates; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Kirkpatrick, by two-thirds vote—

HB 475—A bill to be entitled An act relating to Clay County; authorizing the Board of County Commissioners of Clay County to use the proceeds of the local government infrastructure surtax for the purpose of retiring or servicing bonded indebtedness incurred prior to July 1, 1987, to finance infrastructure and subsequently refunded; providing an effective date.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motion by Senator Jenne, by two-thirds vote **HB 1591** was withdrawn from the Committee on Community Affairs.

On motions by Senator Jenne, by two-thirds vote—

HB 1591—A bill to be entitled An act relating to Glades and Hendry Counties; creating the City of Port LaBelle charter; providing for the corporate name and purpose of the charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of

the municipality and of certain officers; providing for election of a city council, including the mayor and the vice mayor, and procedure for establishing their compensational and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the mayor and council; providing for a city manager, city clerk, and city attorney and powers and duties of each; authorizing establishment of administrative departments; providing definitions; providing procedures for adoption of ordinances and resolutions, and for handling finances; establishing a fiscal year and annual budgets; providing procedures for initiative and referendum; providing for charter amendments and review; providing for severability; providing for transition, including initial election and terms, date of creation and establishment of the municipality, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the city to state-shared and local option gas tax revenues; providing for contractual services and facilities; eliminating transition elements; providing for a referendum.

—was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

SPECIAL ORDER, continued

THE PRESIDENT PRESIDING

On motions by Senator Johnson, by two-thirds vote **HB 2347** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Johnson, the rules were waived and—

HB 2347—A bill to be entitled An act relating to education deregulation; repealing s. 230.2309, F.S., relating to the District School Site Restructuring Incentives Program; repealing s. 230.2312, F.S., relating to the Florida Primary Education Program; repealing s. 230.2313, F.S., relating to student services programs; repealing s. 230.2314, F.S., relating to the teachers as advisors program; repealing s. 230.2319, F.S., relating to the Florida Progress in Middle Childhood Education Program; repealing s. 230.232, F.S., relating to school board duties regarding pupil assignment; repealing s. 231.532, F.S., relating to the district quality instruction incentives program; repealing s. 232.08, F.S., relating to the issuance of age certificates for employment; repealing s. 232.301, F.S., relating to model programs for prevention of student failures and dropouts; repealing s. 233.057, F.S., relating to reading programs; repealing s. 233.0575, F.S., relating to mathematics and science mentor teachers; repealing s. 233.0576, F.S., relating to mathematics and science mentor teacher pilot projects; repealing s. 233.0641, F.S., relating to the free enterprise and consumer education program; repealing s. 233.0643, F.S., relating to water safety education; repealing s. 233.0677, F.S., relating to educational centers for gifted students; repealing s. 233.501, F.S., relating to consortium on quality instructional materials; repealing ss. 233.64, 233.641, 233.642, and 233.643, F.S., relating to the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act and related advisory council; repealing s. 233.65, F.S., relating to residential mathematics and science honors high schools; repealing s. 236.0835, F.S., relating to school bus replacement funding; repealing s. 236.088, F.S., relating to the basic skills and functional literacy compensatory supplement; repealing s. 236.089, F.S., relating to allocations for student development services; repealing s. 236.091, F.S., relating to funding of public school programs of excellence in mathematics, science, and computer education; repealing s. 236.1223, F.S., relating to additional categorical funds for teaching writing skills; repealing s. 236.1224, F.S., relating to categorical funds for science laboratory facilities; repealing s. 236.1227, F.S., relating to the Quality Instruction Incentive Categorical Program; repealing s. 236.135, F.S., relating to computer-related equipment purchasing or leasing; repealing s. 239.121(3), F.S., relating to occupational specialists recruitment and training plans; amending ss. 39.01, 200.001, 200.065, 200.069, 228.041, 228.053, 230.23135, 230.2318, 231.62, 232.01, 232.19, 232.246, 236.013, 236.13, and 236.25, F.S.; correcting cross references and conforming language; amending s. 229.592, F.S., relating to school improvement and education accountability; extending authorization for exceptions to law; correcting cross references and conforming language relating to statutes held in abeyance; providing legislative intent; revising statutes subject to waiver; authorizing additional waivers; amending s. 233.067, F.S., relating to comprehensive health education and substance

abuse prevention; deleting required program plans; deleting program review, funding, and evaluation requirements; amending s. 236.02, F.S.; deleting provisions relating to the seventh-period day; amending s. 236.081, F.S.; deleting provisions relating to the extended day supplement; providing that a parent or guardian may withdraw a child from any instruction which conflicts with the parent's religious beliefs; providing an effective date.

—a companion measure, was substituted for CS for SB 2512 and read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 3, line 24, insert:

Section 1. Paragraph (g) of subsection (10) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(10) FINANCE.—Take steps to assure children adequate educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(g) Approval and payment of accounts.—Implement a system of accounting and budgetary control to ensure that payments do not exceed total amounts budgeted in each fund, as required by law; make available all records for proper audit by state officials; and have prepared required periodic statements showing receipts, balances, and expenditures to date and require a copy of each such statement to be filed with the Department of Education as provided by rules of the state board.

Section 2. Subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated ~~and final~~ calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the ~~taxable value nonexempt assessed valuation~~ for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total ~~taxable value nonexempt assessed valuation~~ for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1.2. The Department of Revenue shall, upon receipt of the official final assessed value of property ~~tax roll~~ from each of the property appraisers, certify to the commissioner the total value ~~assessed valuation of nonexempt property~~ for school purposes in each school district, subject to the provisions of paragraph (d) ~~paragraph (e)~~. The commissioner shall use the official final taxable value for school purposes for each school district for the final calculation of the Florida Education Finance Program.

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent tax roll data for the appropriate year.

2. For the purposes of this ~~paragraph~~ ~~subparagraph~~, the official final taxable value is ~~tax roll~~ ~~shall be the taxable value tax roll~~ on which the tax bills are computed and mailed to the taxpayers, adjusted for final action by the value adjustment boards under s. 104.034. The Department of Revenue shall certify the official taxable value for school purposes to the Commissioner of Education no later than September 1 of the year following the assessment. For those counties that have not submitted a revised tax roll that includes the value adjustment board's final action, the Department of Revenue shall certify the most recent revision. This certified value constitutes the final taxable value for school purposes and further adjustments may not be made, except for those made under paragraph (13)(b).

(c) ~~(b)~~ Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the ~~taxable value nonexempt assessed valuation~~ for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed ~~constitutes shall be~~ the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's nonexempt assessed valuation for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) ~~(e)~~ Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest ~~must shall~~ be excluded from the nonexempt assessed valuation for school purposes for purposes of computing the district-required local effort.

(e)(d) **Recomputation.**—Following final adjudication of any litigation on the basis of which an adjustment in ~~taxable value~~ ~~nonexempt valuation~~ was made pursuant to ~~paragraph (d)~~ ~~paragraph (e)~~, the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing nonexempt valuations approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(f)(e) **Required adult fees.**—

1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.

Section 3. Subsection (3) of section 237.02, Florida Statutes, is amended to read:

237.02 **Expenditures.**—Expenditures shall be limited to the amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and regulations of the state board. The school board shall endeavor to obtain maximum value for all expenditures.

(3) **EXPENDITURES FROM DISTRICT AND OTHER FUNDS.**—

Expenditures from district and all other funds available for the public school program of any district shall be authorized by law and must be in accordance with procedures prescribed by the school board. ~~Notwithstanding any other provisions, a school board may establish policies that allow expenditures to exceed the amount budgeted by object, provided the amount expended in the applicable function does not exceed the amount budgeted for that function and provided that the school board approves the expenditure and amends the budget at the next regularly scheduled meeting.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, strike "deregulation;" and insert: amending s. 230.23, F.S.; revising the powers and duties of the district school boards pertaining to expenditures of amounts budgeted; amending s. 236.081, F.S.; revising the method of computing the required local effort for purposes of the Florida Education Finance Program; amending s. 237.02, F.S., relating to district expenditures; deleting a provision relating to expenditures that exceed amounts budgeted by object;

Amendment 2 (with Title Amendment)—On page 41, between lines 22 and 23, insert:

Section 22. Subsection (7) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(7) *The State Board of Community Colleges shall adopt rules and procedures to be followed by district boards of trustees for the recruitment, consideration, and selection process for presidents of the community colleges. The rules or procedures shall address, at a minimum, the following: the composition of a search committee that provides for membership representing the cultural, gender, and ethnic diversity of the community, faculty, students, and staff; the program mix of the community college and priorities of the community and board of trustees; and a recruitment and consideration process that provides a candidate pool with ethnic and gender diversity appropriate for the community college district. Upon selection of a president by a board of trustees, the board of trustees shall submit a report to the State Board of Community Colleges documenting compliance with this subsection. The State Board of Community Colleges must be notified of the appointment of presidents of community colleges.*

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 3, line 20, after the semicolon (;) insert: amending s. 240.311, F.S.; revising duties of the State Board of Community Colleges relating to the appointment of community college presidents;

Amendment 3—On page 41, between lines 22 and 23, insert:

Section 22. A new subsection (7) is added to section 229.592, Florida Statutes, to read:

229.592 Implementation of state system of school improvement and education accountability.—

(7) **SPECIAL BLUEPRINT 2000 EXEMPTIONS.**—

(a) *To promote comprehensive restructuring to implement Blueprint 2000, the Legislature finds that some schools may be prepared to implement new and innovative education programs, organizational structures, practices, and strategies not heretofore contemplated or allowed by the existing statutes governing public education. The purpose of this subsection is to promote restructuring and to set guidelines and accountability for restructuring.*

(b) *A special Blueprint 2000 exemption may be approved by the Commissioner of Education, after consultation with the President of the Senate and the Speaker of the House of Representatives. This is a time-limited exemption to statutes not listed in subsection (6), and will allow a school to restructure school programs for the purpose of implementing a school improvement plan effective for the 1994-1995 school year. The exemptions are valid through the 1996-1997 school year.*

(c) *All grantees shall remain entitled to all allocated funds as appropriated through the Florida Education Finance Program and the Public Education Capital Outlay and Debt Service Trust Fund.*

(d) Statutes eligible for a special Blueprint 2000 exemption include chapters 228 through 237 if they impede the restructuring of schools to meet the goals of Blueprint 2000.

(e) All school districts and developmental research schools are eligible to apply for special Blueprint 2000 exemptions. Approval shall be based upon:

1. Agreement to the request by the school advisory council of each affected school.

2. A commitment to fully implement Blueprint 2000.

3. Agreement by the district collective bargaining agency in cases where the request affects the terms of an existing collective bargaining agreement.

4. The commissioner's finding that the special Blueprint 2000 exemption will not compromise the health and safety of students or employees, the equitable treatment of all parties, or the fiscal accountability for public funds entrusted to the school board.

5. The commissioner's finding that the exemption is necessary to carry out the implementation of an individual school improvement plan and has a reasonable likelihood of being successfully implemented.

(f) A district school board may request a special Blueprint 2000 exemption for one school in the district by completing an application that must:

1. Specify each statute to be waived.

2. Explain why the special Blueprint 2000 exemption is needed to significantly restructure a school program, practice, organizational structure, or strategy to implement a school improvement plan.

3. Specify the innovative approaches and technology to be utilized and describe how they will further the school's ability to meet the goals of Blueprint 2000.

4. Specify the methods and measurements to be used to determine the outcomes and evaluate the effectiveness of the new approach.

5. Specify the methods to be used to communicate to the other schools and districts the Blueprint 2000 practices implemented by the requesting district and appropriate school.

6. If appropriate for the statute involved, describe measures to be taken to ensure the protection of the health and safety of students or employees, the equitable treatment of all parties, or the fiscal accountability for public funds entrusted to the school board.

7. If appropriate, include the agreement with the collective bargaining unit.

8. If appropriate, specify the high school graduation requirements.

(g) Notwithstanding the provisions of chapter 120, and for the purpose of implementing this subsection, the Commissioner of Education is authorized to waive State Board of Education rules adopted to implement statutes for which a special Blueprint 2000 exemption has been granted.

(h) The Commissioner shall report annually to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor on the number and types of special Blueprint 2000 exemptions as reported by the school boards receiving the exemptions.

(i) The special Blueprint 2000 exemption shall be limited to not more than a school or schools in each of three districts and developmental research schools selected by the Commissioner of Education after consultation with the President of the Senate and the Speaker of the House of Representatives.

(Renumber subsequent section.)

Amendment 4—In title, on page 3, line 20, after the semicolon (;) insert: creating s. 229.595, F.S.; providing for educational accountability for school-to-work transition efforts; creating s. 446.31, F.S.; creating the Florida Human Resource Development Commission; providing for administration; providing for membership; providing duties and responsibilities;

Amendment 5—On page 41, between lines 22 and 23, insert:

Section 22. *Short title.*—This act may be cited as the "Florida Human Resource Development Act of 1994."

Section 23. Section 229.595, Florida Statutes, is created to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(1) The Legislature recognizes that the most efficient and cost-effective means of preparing youth to enter the workforce is through the provision of instructional experiences in elementary and secondary schools that enable students to attain entry-level employment and enroll in postsecondary institutions. The Legislature further recognizes that such preparation requires student demonstration of competence in a comprehensive array of academic, social, and technical skills. The Legislature intends that education accountability efforts specifically include measures through which schools can document the manner in which they have prepared students to enter the workforce.

(2) School accountability efforts shall include information regarding the provision of accurate, timely career and curricular counseling to students. Such accountability shall include a delineation of the information available to students regarding career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to enable students to pursue any postsecondary instruction required to enter that career. Such accountability shall also delineate school procedures for identifying individual student interests and aptitudes which enable students to make informed decisions about the curriculum that best addresses their individual interests and aptitudes while preparing them to enroll in postsecondary education and enter the workforce.

(3) School accountability efforts shall delineate the availability of applied instruction that utilizes concrete, real-world examples to elicit demonstrated student competence comparable to the student performance standards delineated for corresponding traditional college preparatory courses. Such efforts shall also delineate the support services available for students who require assistance in order to successfully complete instruction necessary to enroll in postsecondary education or enter the workforce.

(4) School accountability efforts shall delineate the availability of instruction that enables students to acquire the technical skills associated with specific clusters of occupations as well as employability skills that apply to most occupations. In addition, such efforts shall describe and identify the availability of workplace-based learning experiences. Any school that conducts secondary vocational programs shall identify any agreements through which each program articulates into corresponding postsecondary programs.

(5) Any assessment required for student receipt of a high school diploma shall include items designed to assess student preparation to enter the workforce. The Florida Commission on Education Reform and Accountability shall identify the employability skills associated with successful entry into the workforce from which such items shall be derived.

Section 24. Section 446.31, Florida Statutes, is created to read:

446.31 Florida Human Resource Development Commission.—

(1) There is created the Florida Human Resource Development Commission. The commission shall be administratively housed within the Executive Office of the Governor, but it shall exercise independently the duties and responsibilities assigned herein or delegated by the Cabinet or Legislature.

(2)(a) The commission shall be composed of the Governor, the Speaker of the House of Representatives, the President of the Senate, the Commissioner of Education, the Secretary of Labor and Employment Security, the Secretary of Health and Rehabilitative Services, and the Secretary of Commerce, or their respective designees, and five other members who shall be appointed by the Governor as follows:

1. One member of the Florida Chamber of Commerce.

2. One member of Associated Industries of Florida.

3. Two members of the American Federation of Labor - Congress of Industrial Organizations.

4. The chairman of the board of directors of Enterprise Florida, Jobs and Education Partnership.

(b) Appointed members of the commission shall serve 4-year terms. Initial appointments to the commission shall be staggered in a manner such that one member's appointment expires each year. Any appointed member of the commission may be reappointed for consecutive terms. The Governor shall replace any appointed member of the commission who fails to attend three consecutive commission meetings. The commission shall meet no fewer than four times per year.

(c) The commission shall appoint an executive director to serve at its pleasure, who shall perform the duties assigned to him by the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing any technical or support staff necessary to assist the commission in carrying out its duties. The commission shall also be staffed by one employee each of the Department of Education, Department of Labor and Employment Security, Department of Health and Rehabilitative Services, and Department of Commerce. Staff assigned from each of these departments shall remain on the payroll of the respective department, shall be physically housed within the commission office, and shall carry out responsibilities associated with the duties of the commission on a full-time basis.

(d) Commission members may be paid travel and per diem expenses as provided in s. 112.061 while performing their duties under the provisions of this section.

(3) The commission shall serve in an advisory capacity to the Cabinet and Legislature on all matters related to human resource development in Florida. The commission shall oversee policy and practice related to the provision of social service, education, rehabilitation, and economic development programs to develop policies that foster program coordination and cooperation while eliminating unwarranted program duplication. In this capacity, the commission shall request waivers of state or federal policies that inhibit the provision of coordinated human resource development services. The commission shall prepare an annual report that delineates current human resource development efforts, evaluates the effectiveness of these efforts in general, and recommends policy modifications that may improve the effectiveness of these efforts. The first annual report shall be submitted to each member of the Cabinet and Legislature no later than November 1, 1995.

(Renumber subsequent sections.)

On motion by Senator Johnson, by two-thirds vote **HB 2347** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Gutman, by two-thirds vote **HB 2509** was withdrawn from the Committees on Finance, Taxation and Claims; Community Affairs; and Appropriations.

On motion by Senator Gutman, the rules were waived and—

HB 2509—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.0306, F.S., which authorizes certain charter counties to levy a local option tax on food and beverages for specified purposes; requiring businesses to determine their taxable status with respect to the exemption applicable to businesses which had revenues of \$400,000 or less in the previous year at the end of each year and notify the tax collector of any change; requiring new businesses to collect taxes for a specified period to determine their exemption status; providing a method of determining estimated annual gross receipts for such businesses; revising the exemption for veterans', fraternal, and other clubs; revising the authorized uses of the tax on food, beverages, or alcoholic beverages sold in establishments licensed for on-premises consumption; clarifying language regarding application of that tax; requiring an advisory board to the county commissioners and defining the activities of said boards; repealing s. 212.0306(7), F.S., which provides for October 1, 2008, repeal of said section; amending s. 212.0305, F.S.; revising the use of proceeds of the charter county convention development tax; revising requirements relating to appointment of authorities and terms and qualifications of members; providing additional powers of authorities; providing requirements relating to approval of authorities' budgets; providing an effective date.

—a companion measure, was substituted for **CS for SB 2614** and read the second time by title. On motion by Senator Gutman, by two-thirds vote **HB 2509** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—19 Nays—12

SB 158—A bill to be entitled An act relating to capital felonies; amending s. 775.082, F.S.; providing that a person who is convicted of a capital felony and who is not sentenced to death may be sentenced to either life imprisonment without eligibility for early release or life imprisonment without eligibility for parole for a specified number of years; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendments which were moved by Senator Myers and failed:

Amendment 1—On page 1, lines 17 and 18, strike "*either life imprisonment in a maximum security prison*" and insert: *life imprisonment*

Amendment 2—On page 1, lines 19 and 20, strike "*or by life imprisonment without eligibility for parole for 25 years,*" and insert: *life imprisonment*

Senator Myers moved the following amendment which was adopted:

Amendment 3 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 775.082, Florida Statutes, is amended to read:

775.082 Penalties.—

(1) A person who has been convicted of a capital felony shall be punished by ~~death if life imprisonment and shall be required to serve no less than 25 years before becoming eligible for parole unless the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and:~~

(a) *If convicted of murder in the first degree or of a capital felony under s. 790.161, shall be ineligible for parole, or*

(b) *If convicted of any other capital felony, shall be required to serve no less than 25 years before becoming eligible for parole in the latter event such person shall be punished by death.*

Section 2. Subsection (4) of section 790.161, Florida Statutes, is amended to read:

790.161 Making, possessing, throwing, projecting, placing, or discharging any destructive device or attempt so to do, felony; penalties.—A person who willfully and unlawfully makes, possesses, throws, projects, places, discharges, or attempts to make, possess, throw, project, place, or discharge any destructive device:

(4) If the act results in the death of another person, commits a capital felony, punishable as provided in s. 775.082 ~~by death~~. In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment *if convicted of murder in the first degree or of a capital felony under this subsection, and such person shall be ineligible for parole, and such person shall be required to serve a term of imprisonment of not less than 25 calendar years before becoming eligible for parole.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to capital felonies; amending s. 775.082, F.S.; providing that persons convicted of specified capital felonies and sentenced to life imprisonment are ineligible for parole; amending s. 790.161, F.S.; prescribing penalties for persons convicted of a capital felony involving death as a result of making, possessing, throwing, placing, projecting, discharging, or attempting to discharge a destructive device; providing an effective date.

On motion by Senator Myers, by two-thirds vote **SB 158** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35 Nays—None

SENATOR FORMAN PRESIDING

Consideration of **CS for SB 1024** and **CS for SB 262** was deferred.

On motion by Senator Grant, by two-thirds vote **CS for HB 281** was withdrawn from the Committee on Judiciary.

On motion by Senator Grant—

CS for HB 281—A bill to be entitled An act relating to dissolution of marriage; directing judicial circuits in the state to approve parenting courses; providing fees; authorizing required attendance under certain circumstances; authorizing the court to hold certain persons in contempt; providing an effective date.

—a companion measure, was substituted for **CS for SB 212** and read the second time by title. On motion by Senator Grant, by two-thirds vote **CS for HB 281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34 Nays—None

SENATOR SCOTT PRESIDING

CS for SB 262—A bill to be entitled An act relating to access to local public officials; creating s. 286.0115, F.S.; providing a definition; providing for access to public officials; authorizing certain local procedures; providing an effective date.

—was read the second time by title.

Two amendments were adopted to **CS for SB 262** to conform the bill to **CS for HB's 2585 and 77**.

Pending further consideration of **CS for SB 262** as amended, on motions by Senator Silver, by two-thirds vote **CS for HB's 2585 and 77** was withdrawn from the Committees on Community Affairs and Governmental Operations.

On motion by Senator Silver, the rules were waived and—

CS for HB's 2585 and 77—A bill to be entitled An act relating to access to local public officials; creating s. 286.0115, F.S.; providing a definition; providing for access to public officials; providing a method to expunge ex parte communication; authorizing investigations; authorizing recusal based on prejudicial ex parte contact; requiring disclosure of significant ex parte communication; authorizing local rules or procedures; amending s. 286.012, F.S.; conforming to the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 262** and read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 286.0115, Florida Statutes, is created to read:

286.0115 Access to local public officials.—

(1) **DEFINITION.**—As used in this section, the term “local public official” means any elected public official holding a county or municipal office who recommends or takes quasi-judicial action, but the term does not include a member of the judiciary or a member of the board or commission of any state agency or authority.

(2) **ACCESS PERMITTED.**—Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. Ex parte communication shall not be presumed prejudicial to the action taken by the board or commission if the communication is disclosed pursuant to this section.

(a) The substance of any ex parte communication with a local public official is deemed public information, if the substance of the communication and with whom the conversation took place is divulged and made a part of the record prior to final action on the matter.

(b) Local public officials may read written correspondence from any person and must make such material a part of the record prior to final action on the matter.

(c) Local public officials may conduct investigations, visit sites, and receive expert opinions regarding pending quasi-judicial proceedings as long as the substance of any ex parte communication arising from the activity is made a part of the record prior to final action on the matter.

(d) Local public officials sitting as members of a board or commission acting on a quasi-judicial matter who have been the recipients of ex parte communications regarding the merits of an issue or controversy must disclose the name and affiliation, if any, of the person who made the communication before the item is reached at the public proceeding at which a vote is taken and shall afford representatives of those holding contrary opinions with a reasonable opportunity to refute or respond to such information.

(3) **RULES.**—Nothing in this section shall restrict the authority of any board or commission to establish rules or procedures governing public hearings and contacts with local public officials.

Section 2. Section 286.012, Florida Statutes, is amended to read:

286.012 Voting requirement at meetings of governmental bodies.—No member of any state, county, or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of s. 112.311, s. 112.313, or s. 112.3143 or when a member abstains from voting under the provisions of subsection 286.0115(3). In such cases, said member shall comply with the disclosure requirements of s. 112.3143.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to access to local public officials; creating s. 286.0115, F.S.; providing a definition; providing for access to public officials; authorizing investigations and receipt of information; requiring disclosure of ex parte communication; authorizing local rules or procedures; amending s. 286.012, F.S.; conforming to the act; providing an effective date.

WHEREAS, government in Florida is conducted in the sunshine pursuant to chapter 286, Florida Statutes, and

WHEREAS, all citizens should be able to voice their opinions to their local elected public officials, and

WHEREAS, elected and public officials are presumed to perform their duties in a lawful and proper manner, and

WHEREAS, quasi-judicial decisionmaking must be based on competent, substantial evidence of record, and

WHEREAS, local elected public officials have been obstructed or impeded from the fair and effective discharge of their sworn duties and responsibilities due to expansive interpretations of *Jennings v. Dade County*, a decision rendered by the Third District Court of Appeal, and

WHEREAS, s. 5, Art. I of the State Constitution gives the people the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances, NOW, THEREFORE,

On motion by Senator Silver, by two-thirds vote **CS for HB's 2585 and 77** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36 Nays—None

On motions by Senator Diaz-Balart, by two-thirds vote **HB 2463** was withdrawn from the Committees on Natural Resources and Conservation; Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Diaz-Balart, the rules were waived and—

HB 2463—A bill to be entitled An act relating to federally delegated environmental permit programs; amending s. 403.061, F.S.; providing additional powers and duties of the Department of Environmental Protection relating to the federal Clean Air Act and to training requirements for persons making visible air emissions determinations; amending s. 403.0872, F.S.; providing that certain state operation permits for major sources of air pollution are contingent on federal program approval; providing that state annual license fees terminate upon imposition of federal program annual fees; reducing annual fees for sources permitted through general permits; providing a fee exception for certain revised construction permits; requiring certain persons to certify applications, submittals, and reports of a major source of air pollution; requiring permits to include applicable federal requirements; amending s. 403.0873, F.S.; correcting references; prohibiting local air pollution programs from duplicating fees for services delegated to them or performed by them which are substantially similar to those performed by the state; amending s. 403.509, F.S.; providing that any conflicting state or local requirements superseded under the certification process for an electrical power plant shall continue to be superseded under the major source air-operation permitting process for that plant; amending s. 403.781, F.S.; providing that nothing in the "Statewide Multipurpose Hazardous Waste Facility Siting Act" supersedes the department's authority to administer federally delegated or approved permit programs; amending s. 403.782, F.S.; providing a definition; amending s. 403.787, F.S.; providing procedures for permit processing under said act in the event of certain conflict; amending ss. 403.789, 403.7891, and 403.7893, F.S.; revising an exemption from certification; providing that provisions of a permit issued pursuant to a federally delegated or approved permit program control over the conditions of a site certification under said act, in the event of conflict; amending s. 403.9402, F.S.; providing that nothing in the "Natural Gas Transmission Pipeline Siting Act" supersedes the department's authority to administer federally delegated or approved permit programs; amending s. 403.9403, F.S.; providing a definition; amending ss. 403.9416, 403.9418, and 403.942, F.S.; providing that provisions of a permit issued pursuant to a federally delegated or approved permit program control over the conditions of a site certification under said act, in the event of conflict; amending ss. 403.951, 403.952, 403.965, and 403.966, F.S.; providing that provisions of a permit issued pursuant to a federally delegated or approved permit program control over the conditions of a site certification under the "Florida Jobs Siting Act," in the event of conflict; amending s. 377.709(6), F.S.; granting exemptions for certain solid waste facilities from need determination process; amending s. 768.28, F.S.; authorizing municipalities to indemnify employees who are exposed to liability under the federal Clean Air Act; providing exceptions; providing legislative intent; amending s. 288.041, F.S.; authorizing the Department of Commerce to make expenditures for certain purposes; providing for transfer of certain moneys to the Economic Development Trust Fund from the Petroleum Violation Escrow Trust Fund for certain purposes; authorizing the department to accept certain contributions, gifts, and grants; requiring the department to submit an annual report; amending s. 377.703, F.S.; requiring the Department of Community Affairs to include solar energy technology in the energy emergency contingency plan and in the state model energy efficiency building code for certain purposes; requiring the Executive Office of the Governor to make recommendations to the Legislature regarding energy efficiency in governmental facilities and fleet vehicles; requiring a report to the Legislature; providing severability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1024** and read the second time by title.

Senator Foley moved the following amendment:

Amendment 1—On page 3, strike all of lines 8-15 and insert:

Section 1. Section 403.061, Florida Statutes, is amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

- (1) Approve and promulgate current and long-range plans developed to provide for air and water quality control and pollution abatement.
- (2) Hire only such employees as may be necessary to effectuate the responsibilities of the department.
- (3) Utilize the facilities and personnel of other state agencies, including the Department of Health and Rehabilitative Services, and delegate to any such agency any duties and functions as the department may deem necessary to carry out the purposes of this act.
- (4) Secure necessary scientific, technical, research, administrative, and operational services by interagency agreement, by contract, or otherwise. All state agencies, upon direction of the department, shall make these services and facilities available.
- (5) Accept state appropriations and loans and grants from the Federal Government and from other sources, public or private, which loans and grants shall not be expended for other than the purposes of this act.
- (6) Exercise general supervision of the administration and enforcement of the laws, rules, and regulations pertaining to air and water pollution.
- (7) Adopt, modify, and repeal rules and regulations to carry out the intent and purposes of this act. Any rule or regulation adopted pursuant to this act shall be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. *No county, municipality, or political subdivision shall adopt or enforce any local ordinance, special law, or local regulation requiring the installation of Stage II vapor recovery systems, as currently defined by department rule, unless such county, municipality, or political subdivision is or has been in the past designated by federal regulation as a moderate, serious, or severe ozone nonattainment area.* Rules adopted pursuant to this act shall not require dischargers of waste into waters of the state to improve natural background conditions. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, shall not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.
- (8) Issue such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings.
- (9) Adopt a comprehensive program for the prevention, control, and abatement of pollution of the air and waters of the state, and from time to time review and modify such program as necessary.
- (10) Develop a comprehensive program for the prevention, abatement, and control of the pollution of the waters of the state. In order to effect this purpose, a grouping of the waters into classes may be made in accordance with the present and future most beneficial uses. Such classifications may from time to time be altered or modified. However, before any such classification is made, or any modification made thereto, public hearings shall be held by the department.
- (11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. The department is authorized to establish reasonable zones of mixing for discharges into waters.

(a) When a receiving body of water fails to meet a water quality standard for pollutants set forth in department rules, a steam electric generating plant discharge of pollutants that is existing or licensed under this chapter on July 1, 1984, may nevertheless be granted a mixing zone, provided that:

1. The standard would not be met in the water body in the absence of the discharge;

2. The discharge is in compliance with all applicable technology-based effluent limitations;

3. The discharge does not cause a measurable increase in the degree of noncompliance with the standard at the boundary of the mixing zone; and

4. The discharge otherwise complies with the mixing zone provisions specified in department rules.

(b) No mixing zone for point source discharges shall be permitted in Outstanding Florida Waters except for:

1. Sources which have received permits from the department prior to April 1, 1982, or the date of designation, whichever is later;

2. Blowdown from new power plants certified pursuant to the Florida Electrical Power Plant Siting Act; and

3. Discharges of water necessary for water management purposes which have been approved by the governing board of a water management district and, if required by law, by the secretary.

(c) The department, by rule, shall establish water quality criteria for wetlands which criteria give appropriate recognition to the water quality of such wetlands in their natural state.

Nothing in this act shall be construed to invalidate any existing department rule relating to mixing zones. The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. 316.272(1).

(12)(a) Cause field studies to be made and samples to be taken out of the air and from the waters of the state periodically and in a logical geographic manner so as to determine the levels of air quality of the air and water quality of the waters of the state.

(b) Determine the source of the pollution whenever a study is made or a sample collected which proves to be below the air or water quality standard set for air or water.

(13) Require persons engaged in operations which may result in pollution to file reports which may contain information relating to locations, size of outlet, height of outlet, rate and period of emission, and composition and concentration of effluent and such other information as the department shall prescribe to be filed relative to pollution.

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(a) Notwithstanding any other provision of this chapter, the Department of Environmental Regulation may authorize, by rule, the Department of Transportation to perform any activity requiring a permit from the Department of Environmental Regulation covered by this chapter, upon certification by the Department of Transportation that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the Department of Environmental Regulation may accept such certification of compliance for programs of the Department of Transportation, may conduct investigations for compliance, and, if a violation is found to exist, may take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the Department of Environmental Regulation, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the Department of Transportation with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the Department of Environmental Regulation to assure future compliance with this chapter and applicable department rules. The failure of the Department of Transportation to comply with any provision of the written acceptance shall constitute grounds for its revocation by the Department of Environmental Regulation.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the Department of Environmental Regulation. If a proceeding is conducted pursuant to s. 120.57, the Department of Environmental Regulation may intervene as a party. Should a hearing officer

of the Division of Administrative Hearings of the Department of Management Services submit a recommended order pursuant to s. 120.57, the Department of Environmental Regulation shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

(15) Consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the efficacy of such device or system, or the pollution problem which may be related to the source, device, or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this act, rules and regulations of the department, or any other provision of law.

(16) Encourage voluntary cooperation by persons and affected groups to achieve the purposes of this act.

(17) Encourage local units of government to handle pollution problems within their respective jurisdictions on a cooperative basis and provide technical and consultative assistance therefor.

(18) Encourage and conduct studies, investigations, and research relating to pollution and its causes, effects, prevention, abatement, and control.

(19) Make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of this state and the several parts thereof and make recommendations to appropriate public and private bodies with respect thereto.

(20) Collect and disseminate information and conduct educational and training programs relating to pollution.

(21) Advise, consult, cooperate, and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department.

(22) Adopt, modify, and repeal rules governing the specifications, construction, and maintenance of industrial reservoirs, dams, and containers which store or retain industrial wastes of a deleterious nature.

(23) Adopt rules and regulations to ensure that no detergents are sold in Florida after December 31, 1972, which are reasonably found to have a harmful or deleterious effect on human health or on the environment. Any regulations adopted pursuant to this subsection shall apply statewide. Subsequent to the promulgation of such rules and regulations, no county, municipality, or other local political subdivision shall adopt or enforce any local ordinance, special law, or local regulation governing detergents which is less stringent than state law or regulation. Regulations, ordinances, or special acts adopted by a county or municipality governing detergents shall be subject to approval by the department, except that regulations, ordinances, or special acts adopted by any county or municipality with a local pollution control program approved pursuant to s. 403.182 shall be approved as an element of the local pollution control program.

(24)(a) Establish a permit system to provide for spoil site approval, as may be requested and required by local governmental agencies as defined in s. 403.1822(3), or mosquito control districts as defined in s. 388.011(5), to facilitate these agencies in providing spoil sites for the deposit of spoil from maintenance dredging of navigation channels, port harbors, turning basins, and harbor berths, as part of a federal project, when the agency is acting as sponsor of a contemplated dredge and fill operation involving an established navigation channel, harbor, turning basin, or harbor berth. A spoil site approval granted to the agency shall be granted for a period of 10 to 25 years when such site is not inconsistent with an adopted local governmental comprehensive plan and the requirements of this chapter. The department shall periodically review each permit to determine compliance with the terms and conditions of the permit. Such review shall be conducted at least once every 10 years.

(b) This subsection applies only to those maintenance dredging operations permitted after July 1, 1980, where the United States Army Corps of Engineers is the prime dredge and fill agent and the local governmental agency is acting as sponsor for the operation, and does not require the redesignation of currently approved spoil sites under such previous operations.

(25) Establish and administer a program for the restoration and preservation of bodies of water within the state. The department shall have the power to acquire lands, to cooperate with other applicable state or local agencies to enhance existing public access to such bodies of water, and to adopt all rules necessary to accomplish this purpose.

(26)(a) Develop standards and criteria for waters used for deepwater shipping which standards and criteria consider existing water quality; appropriate mixing zones and other requirements for maintenance dredging in previously constructed deepwater navigation channels, port harbors, turning basins, or harbor berths; and appropriate mixing zones for disposal of spoil material from dredging and, where necessary, develop a separate classification for such waters. Such classification, standards, and criteria shall recognize that the present dedicated use of these waters is for deepwater commercial navigation.

(b) The provisions of paragraph (a) apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow, Florida Power Corporation's Crystal River Canal, Boca Grande, Green Cove Springs, and Pensacola.

(27) Establish rules which provide for a special category of water bodies within the state, to be referred to as "Outstanding Florida Waters," which water bodies shall be worthy of special protection because of their natural attributes. Nothing in this subsection shall affect any existing rule of the department.

(28) Perform any other act necessary to control and prohibit air and water pollution, and to delegate any of its responsibilities, authority, and powers, other than rulemaking powers, to any state agency now or hereinafter established.

(29) Adopt by rule special criteria to protect Class II shellfish harvesting waters. Rules previously adopted by the department in s. 17-4.28(8)(a), Florida Administrative Code, are hereby ratified and determined to be a valid exercise of delegated legislative authority and shall remain in effect unless amended by the Environmental Regulation Commission.

(30) Establish requirements by rule that reasonably protect the public health and welfare from electric and magnetic fields associated with existing 230 kV or greater electrical transmission lines, new 230 kV and greater electrical transmission lines for which an application for certification under the Transmission Line Siting Act, ss. 403.52-403.5365, is not filed, new or existing electrical transmission or distribution lines with voltage less than 230 kV, and substation facilities. Notwithstanding any other provision in this chapter or any other law of this state or political subdivision thereof, the department shall have exclusive jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines and substation facilities. However, nothing herein shall be construed as superseding or repealing the provisions of s. 403.523(1) and (10).

(31) Adopt rules necessary to obtain approval from the United States Environmental Protection Agency to administer the Federal National Pollution Discharge Elimination System (NPDES) permitting program in Florida under ss. 318, 402, and 405 of the Federal Clean Water Act, Pub. L. No. 92-500, as amended. This authority shall be implemented consistent with the provisions of part II, which shall be applicable to facilities certified thereunder. The department shall establish all rules, standards, and requirements that regulate the discharge of pollutants into waters of the United States as defined by and in a manner consistent with federal regulations; provided, however, that the department may adopt a standard that is stricter or more stringent than one set by the United States Environmental Protection Agency if approved by the Governor and Cabinet in accordance with the procedures of s. 403.804(2).

(32) Coordinate the state's stormwater program.

(33) Adopt by rule a state water policy, which shall provide goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources. This state water policy shall be consistent with the state comprehensive plan and may include such department rules as are specifically identified in the policy.

(34) Establish and administer programs providing appropriate incentives that have the following goals, in order of importance:

- (a) Preventing and reducing pollution at its source.
- (b) Recycling contaminants that have the potential to pollute.
- (c) Treating and neutralizing contaminants that are difficult to recycle.

(d) Disposing of contaminants only after other options have been used to the greatest extent practicable.

(35) Adopt rules which may include stricter permitting and enforcement provisions within Outstanding Florida Waters, aquatic preserves, areas of critical state concern, and areas subject to chapter 380 resource management plans adopted by rule by the Administration Commission, when the plans for an area include waters that are particularly identified as needing additional protection, which provisions are not inconsistent with the applicable rules adopted for the management of such areas by the department and the Governor and Cabinet.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

On motion by Senator Diaz-Balart, further consideration of **HB 2463** with pending **Amendment 1** was deferred.

SB 376—A bill to be entitled An act relating to admissions to collegiate basketball tournament games; amending s. 212.04, F.S.; exempting from taxation admissions to certain collegiate basketball tournament games; providing an effective date.

—was read the second time by title. On motion by Senator Crist, by two-thirds vote **SB 376** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—None

On motions by Senator Williams, by two-thirds vote **CS for HB 237** was withdrawn from the Committees on Governmental Operations; and Rules and Calendar.

On motion by Senator Williams, by unanimous consent—

CS for HB 237—A bill to be entitled An act relating to administrative procedures; naming the act; creating s. 11.0755, F.S.; providing for the legislative delegation of rulemaking authority; amending s. 11.60, F.S.; revising the membership of the Administrative Procedures Committee; providing additional duties; amending s. 120.52, F.S.; redefining the term "invalid exercise of delegated legislative authority"; defining the term "small county"; amending s. 120.54, F.S.; revising language with respect to rule adoption procedures; revising rule publication requirements and timeframes; providing for a statement of estimated regulatory costs rather than an economic impact statement; amending workshop requirements; providing for consideration of a rule's impact on small counties; providing a definition of good cause; providing for a rulemaking record; providing for model rules; providing for agency postponement of rule adoption; directing agencies to review existing rules by a certain date and file a written report; amending s. 120.545, F.S.; providing reference to a statement of estimated regulatory costs; directing the Administrative Procedures Committee to hold a hearing under certain circumstances; providing that there shall not be a presumption that a rule is a valid exercise of delegated legislative authority under certain circumstances; amending s. 120.55, F.S.; authorizing rather than requiring a contract; providing that the Department of State shall retain the copyright over the text of the Florida Administrative Code; increasing an allowable amount of unencumbered funds in the revolving trust fund; amending s. 120.56, F.S.; revising language with respect to the administrative determination of a rule's validity by a hearing officer; defining good cause; amending s. 120.58, F.S.; providing that legislative history shall be admissible under certain circumstances; amending s. 120.68, F.S.; revising language with respect to judicial review; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Williams moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 11.60, Florida Statutes, are amended to read:

11.60 Administrative Procedures Committee; creation; membership; powers; duties.—

(1) There is created a joint standing committee of the Legislature designated as the "Administrative Procedures Committee," composed of ~~eight~~ ~~six~~ members appointed as follows: ~~four~~ ~~three~~ members of the House of Representatives appointed by the Speaker of the House of Representatives, ~~including the chairman of the standing committee with oversight of the Administrative Procedure Act, and the vice chairman of the Committee on Appropriations, and one of whom shall be a member of the minority party;~~ and ~~four~~ ~~three~~ members of the Senate appointed by the President of the Senate, ~~including the chairman of the standing committee with oversight of the Administrative Procedure Act and the vice chairman of the Committee on Appropriations, and one of whom shall be a member of the minority party.~~ The president shall appoint the chairman in even years and the vice chairman in odd years, and the speaker shall appoint the chairman in odd years and the vice chairman in even years, from among the committee membership. Vacancies shall be filled in the same manner as the original appointment. Members shall serve without additional compensation, but shall be reimbursed for expenses.

(2) The committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort, or other factor, advise the agency concerned of the fact.

(b) Maintain a continuous review of administrative rules and identify and request an agency to repeal any rule or any provision of any rule which reiterates or paraphrases any statute or for which the statutory authority has been repealed.

(c) Review administrative rules and advise the agencies concerned of its findings.

(d) Have the duties prescribed by chapter 120 concerning the adoption and promulgation of rules.

(e) Generally review agency action pursuant to the operation of the Administrative Procedure Act.

(f) Report to the Legislature at least annually, no later than the first week of the regular session, and recommend needed legislation or other appropriate action. *Such report shall include the number of objections voted by the committee, the number of suspensions voted by the committee, the number of administrative determinations filed on the invalidity of a proposed or existing rule, the number of petitions for judicial review filed on the invalidity of a proposed or existing rule, and the outcomes of such actions.*

(g) Consult regularly with legislative standing committees which have jurisdiction over the subject areas addressed in agency proposed rules regarding legislative authority for the proposed rules and other matters relating to legislative authority for agency action.

(h) Adopt rules and regulations necessary for its own organization and operation and for that of its staff, consistent with general law and the rules of each house.

(i) Appoint an executive director and general counsel, by majority vote of the members of the committee, and fill any vacancy in that office in the same manner.

(j) Have general administrative responsibility for the operations of its staff.

(k) Have standing to seek administrative and judicial review, on behalf of the Legislature or the citizens of this state, of the validity or invalidity of any administrative rule to which the committee has voted an objection and which has not been withdrawn, modified, repealed, or amended to meet the objection. Judicial review under this paragraph shall not be initiated until the Governor and the agency head of the agency making the rule to which the committee has objected have been notified of the committee's proposed action and have been given a reasonable opportunity for consultation with the committee. The committee is authorized to expend public funds from its appropriation for the purpose of seeking judicial review.

(l) *Maintain a continuous review of the administrative rulemaking process, including a review of agency procedure and of complaints based on such agency procedure.*

Section 2. Section 120.51, Florida Statutes, is amended to read:

120.51 Short title; special requirements.—

(1) This chapter may be known and cited as the "Administrative Procedure Act."

(2) *Prior to the enactment of any general law or special law, each house of the Legislature shall consider whether any rules implementing such law shall be adopted subject to any of the special requirements listed in paragraphs (a) through (f). Any special requirements imposed shall be in addition to the other rulemaking requirements imposed by this chapter.*

(a) *The agency shall provide notice of the development of proposed rules pursuant to s. 120.54(1)(c) and shall hold at least one public workshop for the purpose of rule development. If the rule is to be enforced statewide, the agency shall hold at least two workshops, one of which will be held in a county in which the official headquarters of the agency is not located. Notice of a workshop shall be given pursuant to the provisions of s. 120.54(1)(d).*

(b) *The agency shall provide monthly reports to the Legislature detailing the substance of the proposed rule, any significant change made in the proposed rule and the reason for such change, and any complaint or problem encountered with the substance of the proposed rule or the rulemaking process. The first report shall be made at the time the proposed rule is noticed. The last report shall be made within 30 days after the rule is filed with the Department of State.*

(c) *The agency rule shall reflect, to the extent allowed by law, the alternative that imposes the lowest cost to the regulated community consistent with achieving the regulatory objectives of the legislation.*

(d) *The agency is authorized to adopt rules pursuant to chapter 120, but such proposed rules shall be submitted in bill form to the President of the Senate and the Speaker of the House of Representatives for their consideration and referral to the appropriate committee. Such proposed rules may be changed by the Legislature pursuant to its review and shall become effective only upon approval by act of the Legislature.*

(e) *The proposed rules shall become effective 60 days after being filed with the Department of State.*

(f) *The agency shall prepare an economic impact statement on the proposed rule, which shall be made available as provided in s. 120.54(1)(e).*

Section 3. Subsection (8) of section 120.52, Florida Statutes, is amended, and subsection (17) is added to that section, to read:

120.52 Definitions.—As used in this act:

(8) "Invalid exercise of delegated legislative authority" means action which goes beyond the powers, functions, and duties delegated by the Legislature. A rule does not acquire a presumption of validity solely because it has been through the rulemaking process or solely because it is within the range of permissible interpretations of the implemented statutes. A proposed or existing rule is an invalid exercise of delegated legislative authority if any one or more of the following apply:

(a) The agency has materially failed to follow the applicable rulemaking procedures set forth in s. 120.54 or, when applicable, has materially failed to comply with the requirements of s. 120.51. Failure to provide the advance notice of its proceedings to a person who has made such a request of an agency as provided by s. 120.54(1)(a) shall be presumed to be a material failure to follow applicable rulemaking procedures;

(b) The agency has exceeded its grant of rulemaking authority, citation to which is required by s. 120.54(7);

(c) The rule enlarges, modifies, or contravenes the specific provisions of law implemented, citation to which is required by s. 120.54(7);

(d) The rule is vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency; or

(e) The rule lacks an adequate factual basis ~~is arbitrary or capricious.~~

(17) "Small county" means any county that has an unincarcerated population of fewer than 50,000 according to the most recent decennial census.

Section 4. Subsections (1) and (2) of section 120.535, Florida Statutes, are amended to read:

120.535 Rulemaking required.—

(1) Rulemaking is not a matter of agency discretion. Each agency statement defined as a rule under s. 120.52(16) shall be adopted by the rulemaking procedure provided by s. 120.54 as soon as feasible and practicable. Rulemaking shall be presumed feasible and practicable to the extent provided by this subsection unless one of the factors provided by this subsection is applicable.

(a) Rulemaking shall be presumed feasible unless the agency proves that:

1. The agency has not had sufficient time to acquire the knowledge and experience reasonably necessary to address a statement by rulemaking; or

2. Related matters are not sufficiently resolved to enable the agency to address a statement by rulemaking; or

3. The agency is currently using the rulemaking procedure expeditiously and in good faith to adopt rules which address the statement.

(b) Rulemaking shall be presumed practicable to the extent necessary to provide fair notice to affected persons of relevant agency procedures and applicable principles, criteria, or standards for agency decisions unless the agency proves that:

1. Detail or precision in the establishment of principles, criteria, or standards for agency decisions is not reasonable under the circumstances; or

2. The particular questions addressed are of such a narrow scope that more specific resolution of the matter is impractical outside of an adjudication to determine the substantial interests of a party based on individual circumstances.

(2)(a) Any person substantially affected by an agency statement may seek an administrative determination that the statement violates subsection (1). A petition for an administrative determination of an agency statement shall be in writing and shall state with particularity facts sufficient to show:

1. That the person is substantially affected by the statement.

2. That the statement constitutes a rule under s. 120.52(16), in which case the petition shall include the text of the statement or a description of the statement.

3. That the agency has not adopted the statement by the rulemaking procedure provided in s. 120.54.

(b) The petition shall be filed with the division which shall, immediately upon receipt, forward copies to the agency whose statement is challenged, to the Department of State, and to the committee. The Department of State shall publish notice of a petition which shall include the text or a description of each statement challenged in the first available issue of the Florida Administrative Weekly pursuant to s. 120.55(1)(b). Within 10 days after receiving the petition, the division director shall, if the petition complies with the above requirements, assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn. The hearing officer may extend the hearing date for good cause. If a hearing is held and the petitioner proves the allegations of the petition, the agency shall have the burden of proving that rulemaking is not feasible and practicable under subsection (1).

(c) The committee has standing under this section to seek an administrative determination that the agency statement violates subsection (1). In filing the petition for an administrative determination, the committee shall, in writing, state with particularity facts sufficient to show:

1. That the statement constitutes a rule under s. 120.52(16), in which case the petition shall include the text of the statement or a description of the statement.

2. That the agency has not adopted the statement by the rulemaking procedure provided in s. 120.54. Nothing herein shall prohibit the committee from challenging, pursuant to s. 120.54(4), an agency rule proposed to address an agency statement that violates subsection (1).

Section 5. Section 120.534, Florida Statutes, is created to read:

120.534 Rulemaking authority and law implemented.—

(1) A grant of rulemaking authority is necessary but not sufficient to

allow an agency to adopt a rule; a specific law to be implemented is also required. An agency may adopt only rules that implement, interpret, or make specific the particular powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious. Nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy. Statutory language granting rulemaking authority or generally describing the powers and functions of an agency shall be construed to extend no further than the particular powers and duties conferred by the same statute. Grants of rulemaking authority construed to confer broader authority to any agency are revoked.

(2) All proposed rules or amendments to existing rules filed with the Department of State on or after July 1, 1994, shall be based on rulemaking authority no broader than that permitted by this section. This section does not apply to rules or amendments filed with the Department of State before July 1, 1994.

Section 6. Section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking; adoption procedures.—

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, and the specific legal authority under which its adoption is authorized, *the full text of the proposed rule or amendment, and a summary thereof. The notice must state whether the agency considers the rule to have substantial regulatory costs, based on the factors set forth in subparagraph (2)(b)1. The notice must state the procedure for requesting preparation of a statement of estimated regulatory costs and for requesting a public hearing on the proposed rule.*

(a) Except as otherwise provided in this paragraph, the notice shall be mailed to the committee, to all persons named in the proposed rule, and to all persons who have made requests of the agency for advance notice of its proceedings at least 14 days prior to such mailing. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed. Notice of intent by an educational unit to adopt, amend, or repeal any rule not described in subsection (9) shall be made:

1. By publication in a newspaper of general circulation in the affected area;

2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and

3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Such publication, mailing, and posting of notice shall occur at least 21 days prior to the intended action.

(b) The notice shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action, except that notice of actions proposed by educational units or units of government with jurisdiction in only one county or a part thereof need not be published in the Florida Administrative Weekly or transmitted to the committee. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.

(c) Prior to providing notice of a proposed rule as required by paragraphs (1)(a) and (b), an agency may provide notice of the development of proposed rules by publication of a notice of rule development in the Florida Administrative Weekly. *When a proposed rule will have substantial regulatory costs based on the factors set forth in subparagraph (2)(b)1., an agency must publish a notice of rule development.* Notice of rule development shall indicate the subject area which will be addressed by rule development, provide a short plain explanation of the purpose and effect of the rule development, *the policy consideration underlying the proposed rule, the major legal issues involved in the rule, the methodology being proposed or used to obtain and analyze data, the specific legal authority for rule development, and the preliminary text of proposed rules if available. The notice must state the procedure for requesting preparation of a statement of estimated regulatory costs and for requesting a workshop on the proposed rule. This paragraph does not provide the basis for a rule challenge, except that an agency's failure to include the required items in the notice is a violation of the procedural requirements of this chapter.*

(d) An agency may hold a public workshop for purposes of rule development. ~~If an agency provides notice of rule development under paragraph (1)(c), the agency shall hold a public workshop for purposes of rule development if requested in writing by any affected person, unless the agency head states in writing why a workshop is not necessary. When a workshop is held, an agency shall ensure that appropriate personnel are available to explain the agency's proposal and to respond to appropriate questions or comments regarding the rule being developed. Notwithstanding the provisions of s. 120.53(1)(d) or any other provision of law, notice of a rule development workshop shall be by publication in the Florida Administrative Weekly not less than 21 14 days prior to the date on which the workshop is scheduled to be held and shall indicate the subject area which will be addressed, the agency contact person, and the place, date, and time of the workshop. This paragraph does not provide the basis for a rule challenge, except that an agency's failure to respond to a request for a workshop, failure to ensure that appropriate personnel are available at the workshop, or failure to provide not less than 21 days' notice for a workshop with the information required is a violation of the procedural requirements of this chapter.~~

(e) If an agency provides notice of rule development under paragraph (1)(c), and a statement of estimated regulatory costs ~~an economic impact statement~~ is prepared pursuant to paragraph (2)(b), prior to notice of proposed rules under paragraphs (1)(a) and (b), the agency shall make a draft copy of the statement of estimated regulatory costs ~~economic impact statement~~ available to any person who requests a copy of the statement.

(2)(a) Each agency, before the adoption, amendment, or repeal of a rule, shall consider the impact of the rule on small businesses as defined in s. 288.703 and the impact of the rule on small counties as defined in s. 120.52. Whenever practicable, an agency shall tier its rules to reduce disproportionate impacts on small businesses and on small counties to avoid regulating businesses and counties that do not contribute significantly to the problem the rule is designed to regulate. An agency may define the term "small business" to include more than 50 persons and may define the term "small county" to include those with populations greater than 50,000 if it finds that such a definition is necessary to adapt a rule to the needs and problems of small businesses or small counties. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small businesses and on small counties:

1. Establishing less-stringent compliance or reporting requirements in the rule for small businesses and for small counties.
2. Establishing less-stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses and for small counties.
3. Consolidating or simplifying the rule's compliance or reporting requirements for small businesses and for small counties.
4. Establishing performance standards to replace design or operational standards in the rule for small businesses and for small counties.
5. Exempting small businesses or small counties from any or all requirements of the rule. ~~Each agency, prior to the adoption, amendment, or repeal of any rule, shall consider the impact of such proposed action on small business as defined in s. 288.703 and, whenever possible, shall tier such rule to reduce disproportionate impacts on small business and to avoid regulating businesses which do not contribute significantly to the problem the rule is designed to regulate. An agency may define "small business" to include more than 50 persons if it finds that such a definition is necessary to adapt any rule to the needs and problems of small business. The agency shall consider each of the following methods for reducing the impact of the proposed rule on small business:~~
 1. Establishing less stringent compliance or reporting requirements in the rule for small business.
 2. Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.
 3. Consolidating or simplifying the rule's compliance or reporting requirements for small business.
 4. Establishing performance standards to replace design or operational standards in the rule for small business.
 5. Exempting small business from any or all requirements of the rule.

(b) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9), an agency may provide information on its proposed action by preparing a statement of estimated regulatory costs and a rule development statement ~~an economic impact statement~~, and must prepare a statement of estimated regulatory costs ~~an economic impact statement~~ if:

1. The agency determines that the proposed action would result in a substantial increase in costs or prices paid by consumers, individual industries, or state or local government agencies, or would result in significant adverse effects on competition, employment, investment, productivity, innovation, or international trade, and alternative approaches to the regulatory objective exist and are not precluded by law; or
2. Within 14 days after the date of publication of the notice provided pursuant to paragraph (1)(c) or, if no notice of rule development is provided, within 21 days after the notice required by paragraphs (1)(a) and (b), a written request for preparation of a statement of estimated regulatory costs ~~an economic impact statement~~ is filed with the appropriate agency by the Governor, a body corporate and politic, at least 100 people signing a request, or an organization representing at least 100 persons, or any domestic nonprofit corporation or association.

An agency's determination regarding preparation of a statement of estimated regulatory costs ~~an economic impact statement~~ pursuant to subparagraph (2)(b)1. shall not be subject to challenge. If a statement of estimated regulatory costs ~~an economic impact statement~~ is prepared pursuant to paragraph (2)(b), at least 14 days prior to any public hearing on a proposed rule held pursuant to subsection (3), the agency shall make a draft copy of the statement of estimated regulatory costs ~~economic impact statement~~ available to any person who requests a copy of the statement.

(c) The statement of estimated regulatory costs ~~economic impact statement~~ must include:

1. A general description and the estimated number of persons likely to be economically affected by the rule. ~~An estimate of the cost to the agency, and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues;~~
2. An estimate of the transactional costs likely to be incurred by the regulated public in complying with the procedural requirements of the rule. Transactional costs are direct costs that are readily ascertainable based on standard business practices. ~~An estimate of the cost or the economic benefit to all persons directly affected by the proposed action;~~
3. Estimates of the regulatory costs anticipated to be incurred by at least two persons or entities in complying with the proposed rule. The two entities chosen as examples should be of different sizes and, if applicable, from different geographic areas of the state. ~~An estimate of the impact of the proposed action on competition and the open market for employment, if applicable;~~
4. An analysis of the impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985 and an analysis of the impact on small counties as defined in s. 120.52;
These estimates may include data and information provided by persons affected by the proposed rule.
5. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule;
6. A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law;
7. A description of any reasonable alternative methods, where applicable, for achieving the purpose of the proposed rule which were considered by the agency, and a statement of the reasons for rejecting those alternatives in favor of the proposed rule; and
8. A detailed statement of the data and methodology used in making the estimates required by this paragraph.

(d) The rule development statement must include:

1. A written statement of the evidence that the agency relied upon in the development of the rule and the reasons for such reliance;

2. A written statement of the evidence that the agency rejected in the development of the rule and the reasons for such rejection; and

3. A written statement of the evidence that the agency failed to consider in the development of the rule and reasons for such failure.

(e)(d) No rule shall be declared invalid based on a challenge to the statement of estimated regulatory costs ~~economic impact statement~~ for the rule unless the issue is raised in an administrative proceeding within 1 year of the effective date of the rule to which the statement applies. No person shall have standing to challenge an agency rule, based upon a statement of estimated regulatory costs ~~an economic impact statement~~ or lack thereof, unless a that person requested preparation of a statement of regulatory costs ~~an economic impact statement~~ under subparagraph (2)(b)2. and provided the agency with information sufficient to make the agency aware of specific concerns regarding the regulatory costs ~~economic impact~~ of the proposed rule, by either participation in a public workshop, public hearing, or by submission of written comments, regarding the rule in the manner specified in subsection (3). The grounds for invalidation of a rule based upon a challenge to the statement of estimated regulatory costs ~~economic impact statement~~ for the rule are limited to an agency's failure to adhere to the procedure for preparation of a statement of estimated regulatory costs ~~an economic impact statement~~ provided by this section, or an agency's failure to consider information submitted to the agency regarding specific concerns about the regulatory costs ~~economic impact~~ of a proposed rule when such failure substantially impairs the fairness of the rulemaking proceeding.

(3)(a) If the intended action concerns any rule other than one relating exclusively to organization, procedure, or practice, the agency shall, on the request of any affected person received within 21 days after the date of publication of the notice, give affected persons an opportunity to present evidence and argument on all issues under consideration appropriate to inform it of their contentions. Prisoners, as defined in s. 944.02(5), may be limited by the Department of Corrections to an opportunity to submit written statements concerning intended action on any department rule. The agency may schedule a public hearing on the rule and, if requested by any affected person, shall schedule a public hearing on the rule. Any material pertinent to the issues under consideration submitted to the agency within 21 days after the date of publication of the notice or submitted at a public hearing shall be considered by the agency and made a part of the record of the rulemaking proceeding.

(b) If the agency determines that the proposed action will affect small business as defined by the agency as provided in paragraph (2)(a), the agency shall send written notice of such rule to the Small Business Ombudsman within and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce not less than 21 days prior to the intended action.

1. Within the 21-day period after written notice has been sent and the day on which the intended action is to take place, the agency shall give the Small and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce an opportunity to present evidence and argument and to offer alternatives regarding the impact of the rule on small business.

1.2. Each agency shall adopt those regulatory alternatives offered by the Small Business Ombudsman pursuant to this subsection which it finds are feasible and consistent with the stated objectives of the proposed rule and which would reduce the impact on small business.

2.3. If an agency does not adopt all alternatives offered pursuant to this subsection, it shall, prior to rule adoption or amendment and pursuant to subsection (11), file a detailed written statement with the committee explaining the reasons for failure to adopt such alternatives. Within 3 working days of the filing of such notice, the agency shall send a copy of such notice to the Small Business Ombudsman and Minority Business Advocate, the Minority Business Enterprise Assistance Office, and the Division of Economic Development of the Department of Commerce. The agency's written statement is not subject to challenge. However, an agency's failure to consider alternatives offered by the Small Business Ombudsman is a violation of the procedural requirements of this chapter.

(4)(a) Any substantially affected person may seek an administrative determination of the invalidity of any proposed rule on the ground that the proposed rule is an invalid exercise of delegated legislative authority.

(b) The request seeking a determination under this subsection shall be in writing and must be filed with the division within 21 days after the date of publication of the notice required in paragraph (1)(b) or, if applicable, within 20 days after the date of publication of the notice required in paragraph (11)(b). It must state with particularity the provisions of the rule or statement of estimated regulatory costs ~~economic impact statement~~ alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging the proposed rule would be substantially affected by it. A request seeking a determination based on a change in the proposed rule shall be limited to such change. A group or class exempted in the proposed rule as initially noticed and now included as a result of a change may challenge any provision of the rule.

(c) Immediately upon receipt of the petition, the division shall forward copies of the petition to the agency whose rule is challenged, the Department of State, and the committee. Within 10 days after receiving the petition, the division director, if he determines that the petition complies with the above requirements, shall assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties or for good cause shown. Evidence of good cause includes, but is not limited to, written notice of an agency's decision to modify or withdraw the proposed rule or a letter from the chairman of the committee stating that the committee will consider an objection to the rule at its next scheduled meeting. Within 30 days after conclusion of the hearing, the hearing officer shall render his decision and state the reasons therefor in writing. The division shall forthwith transmit copies of the hearing officer's decision to the Department of State and to the committee. The hearing officer may declare the proposed rule wholly or partly invalid. The proposed rule or provision of a proposed rule declared invalid shall be withdrawn from the committee by the adopting agency and shall not be adopted. No rule shall be filed for adoption until 28 days after the notice required by subsection (1), until 21 days after the notice required by paragraph (11)(b), or until the hearing officer has rendered his decision, as the case may be. However, the agency may proceed with all other steps in the rule-making process, including the holding of a factfinding hearing pursuant to subsection (3). In the event part of a proposed rule is declared invalid, the adopting agency may, in its sole discretion, withdraw the proposed rule in its entirety. The agency whose proposed rule has been declared invalid in whole or part shall give notice of the decision in the first available issue of the Florida Administrative Weekly.

(d) Hearings held under this provision shall be conducted in the same manner as provided in s. 120.57 except that the hearing officer's order shall be final agency action. The agency proposing the rule and the person requesting the hearing shall be adversary parties. Other substantially affected persons may join the proceeding as parties or intervenors on appropriate terms which will not substantially delay the proceedings. Failure to proceed under this subsection shall not constitute failure to exhaust administrative remedies.

(5) Any person regulated by an agency or having a substantial interest in an agency rule may petition an agency to adopt, amend, or repeal a rule or to provide the minimum public information required by s. 120.53. The petition shall specify the proposed rule and action requested. Not later than 30 calendar days after the date of filing a petition, the agency shall initiate rulemaking proceedings under this act, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

(6)(a) In all rulemaking proceedings the agency shall compile a rule-making record. The record must include, if appropriate, copies of:

1. All notices given for the proposed rule.
2. The statement of estimated regulatory costs for the rule, if one is prepared.
3. A written summary of hearings on the proposed rule.
4. The written comments and responses to written comments as required by subsections (3) and (12).
5. All notices and findings made under subsection (9).
6. All materials filed by the agency with the committee under paragraph (11)(a).
7. All materials filed with the Department of State under paragraph (11)(b).

8. Any notice of disapproval filed by the committee under subsection (14).

9. All written inquiries from standing committees of the Legislature concerning the rule.

Each state agency shall retain the record of rulemaking as long as the rule is in effect. When a rule is no longer in effect, the record may be destroyed pursuant to the records-retention schedule developed under s. 257.36(6).

(b) In rulemaking proceedings, the agency may recognize any material which may be judicially noticed, and it may provide that materials so recognized be incorporated into the record of the proceeding. Before the record of any proceeding is completed, all parties shall be provided a list of such materials and given a reasonable opportunity to examine them and offer written comments thereon or written rebuttal thereto.

(7) Each rule adopted shall be accompanied by a reference to the specific rulemaking authority pursuant to which the rule was adopted and a reference to the section or subsection of the Florida Statutes or the Laws of Florida being implemented, interpreted, or made specific.

(8) Each rule adopted shall contain only one subject and shall be preceded by a concise statement of the purpose of the rule and reference to the rules repealed or amended, which statement need not be printed in the Florida Administrative Code. Pursuant to rule of the Department of State, a rule may incorporate material by reference but only as such material exists on the date the rule is adopted. For purposes of such rule, changes in such material shall have no effect with respect to the rule unless the rule is amended to incorporate such material as changed. No rule shall be amended by reference only. Amendments shall set out the amended rule in full in the same manner as required by the constitution for laws.

(9)(a) If an agency finds that an immediate danger to the public health, safety, or welfare requires emergency action, the agency may adopt any rule necessitated by the immediate danger by any procedure which is fair under the circumstances and necessary to protect the public interest, provided that:

1. The procedure provides at least the procedural protection given by other statutes, the Florida Constitution, or the United States Constitution.

2. The agency takes only that action necessary to protect the public interest under the emergency procedure.

3. The agency publishes in writing at the time of, or prior to, its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances. In any event, notice of emergency rules, other than those of educational units or units of government with jurisdiction in only one county or a part thereof, including the full text of the rules, shall be published in the first available issue of the Florida Administrative Weekly and provided to the committee. The agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

(b) Rules pertaining to the public health, safety, or welfare shall include, but not be limited to, those rules pertaining to perishable agricultural commodities.

(c) An emergency rule adopted under this subsection may not be effective for a period longer than 90 days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. However, the agency may take identical action by normal rulemaking procedures.

(d) Subject to applicable constitutional and statutory provisions, an emergency rule becomes effective immediately on filing, or at a date less than 20 days thereafter if specified in the rule, if the adopting agency finds that such effective date is necessary because of an immediate danger to the public health, safety, or welfare.

(10)(a) By July 1, 1995, the Administration Commission shall promulgate one or more sets of model rules of procedure which shall be reviewed by the committee and filed with the Department of State. The model rules must establish procedures that comply with the requirements of this chapter and may provide alternative means for meeting the requirements of this chapter. On filing with the department, the

~~appropriate model rules become shall be the rules of procedure for each agency subject to this act unless the Administration Commission grants an exception to the agency in accordance with this subsection to the extent that each agency does not adopt a specific rule of procedure covering the subject matter contained in the model rules applicable to that agency.~~

(b) An agency may seek exceptions to ~~modification~~ of the model rules of procedure by filing a petition with the Administration Commission. The Administration Commission shall approve exceptions to the extent necessary to implement other statutes, to the extent necessary to conform to any requirement imposed as a condition precedent to receipt of federal funds or permit persons in this state to receive tax benefits under federal law or as required for the most efficient operation of the agency as determined by the Administration Commission. The reasons for the exception ~~modification~~ shall be published in the Florida Administrative Weekly.

(c) Agency rules that provide exceptions to the model rules may not be filed with the department unless the Administration Commission has approved the exceptions. Each agency that adopts rules that provide exceptions to the model rules shall publish a separate chapter in the Florida Administrative Code that delineates clearly the provisions of the agency's rules which provide exceptions to the model rules and that specifies each alternative chosen from among those authorized by the model rules. Each chapter must be organized in the same manner as the model rules.

(d) The Administration Commission shall adopt rules that establish procedures for the consideration of requests for exceptions to the model rules. ~~Agency rules adopted to comply with ss. 120.53 and 120.565 must be in substantial compliance with the model rules.~~

(11)(a) The adopting agency shall file with the committee, at least 21 days prior to the proposed adoption date, ~~three copies of each of the following documents: a copy of each rule it proposes to adopt; a detailed written statement of the facts and circumstances justifying the proposed rule; a copy of the statement of estimated regulatory costs estimate of economic impact required by subsection (2); a statement of the extent to which the proposed rule establishes standards more restrictive than federal standards or a statement that the proposed rule is no more restrictive than federal standards or that a federal rule on the same subject does not exist; and the notice required by subsection (1). After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, the adopting agency shall file a notice with the committee which states that the proposed rule to be adopted is unchanged from the rule as previously filed with the committee or which contains any changes made in the proposed rule and the reasons for such changes therefor with the committee or advise the committee that there are no changes.~~

(b) ~~In addition,~~ When any change is made in a proposed rule, other than a technical change, the adopting agency shall provide a copy of such notice ~~detailed statement of such change~~ by certified mail or actual delivery to any person who requests it in writing at the public hearing. The agency shall file the notice ~~change~~ with the committee, and provide the notice ~~statement of change~~ to persons requesting it, at least 21 7 days prior to filing the rule for adoption. The notice ~~shall be published in the Florida Administrative Weekly at least 21 days prior to filing the rule for adoption.~~ Educational units, other than units of the State University System and the Florida School for the Deaf and the Blind, and local units of government with jurisdiction in only one county or part thereof shall not be required to make filings with the committee. This paragraph does not apply to emergency rules adopted pursuant to subsection (9). However, agencies, other than those listed herein, adopting emergency rules shall file a copy of each emergency rule with the committee.

(c)(b) If the adopting agency is required to publish its rules in the Florida Administrative Code, it shall file with the Department of State three certified copies of the rule it proposes to adopt, a summary of the rule, a summary of any hearings held on the rule, and a detailed written statement of the facts and circumstances justifying the rule. Agencies not required to publish their rules in the Florida Administrative Code shall file one certified copy of the proposed rule, and the other material required above, in the office of the agency head; and such rules shall be open to the public pursuant to s. 120.53(2). Filings shall be made no less than 28 days or more than 90 days after the notice required by subsection (1). If a public hearing is held, the 90-day limit is extended to 21 days after adjournment of the final hearing on the rule, 21 days after receipt

of all material authorized to be submitted at the hearing, or 21 days after receipt of the transcript, if one is made, whichever is latest. For purposes of this paragraph, the term "public hearing" includes any public meeting held by any agency at which the rule is considered. The filing of a petition for an administrative determination under the provisions of subsection (4) will toll the 90-day period during which a rule must be filed for adoption until the hearing officer has filed his order with the clerk. At the time a rule is filed, the agency shall certify that the time limitations prescribed by this subsection have been complied with, *that all statutory rulemaking requirements have been met*, and that there is no administrative determination pending on the rule. *At the time a rule is filed, the committee shall certify whether the agency has responded to all material and timely written comments or written inquiries made on behalf of the committee.* The department shall reject any rule not filed within the prescribed time limits; *that does not satisfy all statutory rulemaking requirements; upon which an agency has not responded to all material and timely written inquiries or written comments;* or upon which an administrative determination is pending. If a rule has not been adopted within the time limits imposed by this section *or has not been adopted in compliance with all statutory rulemaking requirements*, the agency proposing the rule shall withdraw the rule and give notice of its action in the same manner as is prescribed in paragraphs (1)(a) and (b).

(12)(a) Whenever an act of the Legislature is enacted which requires implementation of the act by rules of an agency within the executive branch of state government, such rules shall be drafted and formally proposed as provided in this section within 180 days after the effective date of the act, unless the act provides otherwise.

(b) In adopting rules, all agencies ~~should must~~, among the alternative approaches to any regulatory objective and; to the extent allowed by law, choose the alternative that imposes the lowest net cost on the regulated community which substantially accomplishes the statutory directives. *If an affected person provides an agency with a written proposal for a lower-cost regulatory alternative to a proposed rule which substantially accomplishes the statutory directive, the agency must either adopt the alternative approach or provide a detailed written explanation of its reasons for rejecting the alternative. Submissions under this paragraph must be made in accordance with the provisions of paragraph (3)(a). An agency's determination regarding the adoption of alternative approaches does not provide a basis for challenging a rule. However, an agency's failure to follow the procedures prescribed in this subsection is a violation of the procedural requirements of this chapter. to society based upon the factors listed in paragraph (2)(c), or provide a statement of the reasons for rejecting that alternative in favor of the proposed rule. This paragraph shall not provide a basis for challenging a rule.*

(13)(a) The proposed rule shall be adopted on being filed with the Department of State and become effective 20 days after being filed, on a later date specified in the rule, or on a date required by statute. Rules not required to be filed with the Department of State shall become effective when adopted by the agency head or on a later date specified by rule or statute.

(b) After the notice required in subsection (1) and prior to adoption, the agency may withdraw the rule in whole or in part or may make such changes in the rule as are supported by the record of public hearings held on the rule, technical changes which do not affect the substance of the rule, changes in response to written material relating to the rule received by the agency within 21 days after the notice and made a part of the record of the proceeding, or changes in response to a proposed objection by the committee. After adoption and before the effective date, a rule may be modified or withdrawn only in response to an objection by the committee or may be modified to extend the effective date by not more than 60 days when the committee has notified the agency that an objection to the rule is being considered. The agency shall give notice of its decision to withdraw or modify a rule in the first available issue of the publication in which the original notice of rulemaking was published and shall notify the Department of State if the rule is required to be filed with the Department of State. After a rule has become effective, it may be repealed or amended only through regular rulemaking procedures.

(14) If the committee disapproves a proposed rule and the agency does not modify the rule, the committee shall file with the Department of State a notice of the disapproval detailing with particularity its objection to the rule. The Department of State shall publish this notice in the Florida Administrative Weekly and shall publish, as a history note to the rule when it is published in the Florida Administrative Code, a reference to the committee's disapproval and to the issue of the weekly in which the full text thereof appears.

(15) No agency has inherent rulemaking authority; nor has any agency authority to establish penalties for violation of a rule unless the Legislature, when establishing a penalty, specifically provides that the penalty applies to rules. However, an agency may adopt rules necessary to the proper implementation of a statute prior to the effective date of the statute, but the rules may not be enforced until the statute upon which they are based is effective.

(16) The rulemaking provisions of this chapter do not apply to compensation appeals referees.

(17) Rulemaking proceedings shall be governed solely by the provisions of this section unless a person timely asserts that his substantial interests will be affected in the proceeding and affirmatively demonstrates to the agency that the proceeding does not provide adequate opportunity to protect those interests. If the agency determines that the rulemaking proceeding is not adequate to protect his interests, it shall suspend the rulemaking proceeding and convene a separate proceeding under the provisions of s. 120.57. Similarly situated persons may be requested to join and participate in the separate proceeding. Upon conclusion of the separate proceeding, the rulemaking proceeding shall be resumed.

Section 7. Before July 1, 1996, each agency shall review its existing rules and file a written report with the President of the Senate, the Speaker of the House of Representatives, and the Governor identifying ways to simplify and clarify existing rules and regulatory schemes by combining redundant and overlapping rules and by deleting obsolete rules. Each agency shall also identify rules that it determines should be reviewed by the Legislature for a clarification of legislative authority or intent and shall evaluate its existing rules with respect to any invalid exercise of delegated legislative authority as defined in section 120.52(8), Florida Statutes.

Section 8. Subsection (8) of section 120.545, Florida Statutes, is amended to read:

120.545 Committee review of agency rules.—

(8) If the committee objects to a proposed or existing rule and the agency refuses to modify, amend, withdraw, or repeal the rule, the committee shall file with the Department of State a notice of the objection, detailing with particularity its objection to the rule. The Department of State shall publish this notice in the Florida Administrative Weekly and shall publish, as a history note to the rule in the Florida Administrative Code, a reference to the committee's objection and to the issue of the Weekly in which the full text thereof appears. *When the committee has voted an objection to a rule, the burden of proof is on the agency in any proceeding for judicial review, administrative determination, application, or enforcement of the rule to establish that the rule, or portion of the rule, is not an invalid exercise of delegated legislative authority. If the committee objects to a proposed or existing rule, or a portion thereof, and the agency agrees to modify, amend, withdraw, or repeal the rule consistent with the objection, the agency shall initiate the appropriate administrative action within 30 days after such agreement.*

Section 9. Paragraph (a) of subsection (1), paragraph (a) of subsection (4), and paragraph (c) of subsection (5) of section 120.55, Florida Statutes, are amended to read:

120.55 Publication.—

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rule-making authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(8), and complete indexes to all rules contained in the code. Supplementation shall be made as often as practicable, but at least monthly. The department ~~may shall~~ contract with a publishing firm for the publication, in a timely and useful form, of the Florida Administrative Code; however, the department shall retain responsibility for the code as provided in this section. This publication shall be the official compilation of the administrative rules of this state. *The Department of State shall retain the copyright over the text of the administrative code.*

2. Rules general in form but applicable to only one school district, community college district, or county, or a part thereof, or university rules relating to internal personnel or business and finance shall not be published in the Florida Administrative Code. Exclusion from publication in the Florida Administrative Code shall not affect the validity or effectiveness of such rules.

3. At the beginning of the section of the code dealing with an agency that files copies of its rules with the department, the department shall publish a summary or listing of all rules of that agency excluded from publication in the code and a statement as to where those rules may be inspected or examined and shall also publish any exemptions granted that agency pursuant to s. 120.63, including the termination date of the exemption and a statement whether the exemption can be renewed pursuant to s. 120.63(2)(b).

4. Forms shall not be published in the Florida Administrative Code; but any form which an agency uses in its dealings with the public, along with any accompanying instructions, shall be filed with the committee before it is used. Any form or instruction which meets the definition of "rule" provided in s. 120.52(16) shall be incorporated by reference into the appropriate rule. The reference shall specifically state that the form is being incorporated by reference and shall include the number, title, and effective date of the form and an explanation of how the form may be obtained.

(4)(a) Each year the Department of State shall furnish the Florida Administrative Weekly, without charge and upon request, as follows:

1. One subscription to each federal and state court having jurisdiction over the residents of the state; the Legislative Library; each state university library; the State Library; each depository library designated pursuant to s. 257.05; and each standing committee of the Senate and House of Representatives and each state legislator ~~upon request of the Senate President's or House Speaker's Office.~~

2. Two subscriptions to each state department.

3. Three subscriptions to the library of the Supreme Court of Florida, the library of each state district court of appeal, the division, the library of the Attorney General, each law school library in Florida, the Secretary of the Senate, and the Clerk of the House.

4. Ten subscriptions to the committee.

(5)

(c) The unencumbered balance in the revolving trust fund at the beginning of each fiscal year shall not exceed \$300,000 \$100,000, and any excess shall be transferred to the General Revenue Fund.

Section 10. Subsection (2) of section 120.56, Florida Statutes, is amended to read:

120.56 Administrative determination of rule by hearing officer.—

(2) The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule and facts sufficient to show the invalidity of the rule. The petition shall be filed with the division which shall, immediately upon filing, forward copies of the petition to the agency whose rule is challenged, the Department of State, and the committee. Within 10 days after receiving the petition, the division director shall, if he determines that the petition complies with the above requirements, assign a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties or for good cause shown.

Section 11. Subsection (4) is added to section 120.58, Florida Statutes, to read:

120.58 Agency action; evidence, record and subpoenas.—

(4) In proceedings pursuant to ss. 120.54 and 120.56, evidence of legislative history is admissible, including the following:

- (a) Reports of special committees, commissions, and councils.
- (b) Reports of conference committees.
- (c) Records of committee proceedings.
- (d) Journals of the Senate and the House of Representatives.

Section 12. Subsection (2) of section 120.68, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

120.68 Judicial review.—

(2)(a) Except in matters for which judicial review by the Supreme Court is provided by law, all proceedings for review shall be instituted by filing a petition in the district court of appeal in the appellate district where the agency maintains its headquarters or where a party resides. If the appeal is of an order rendered in a proceeding initiated under s. 120.54(4) or under s. 120.56, the agency whose rule is being challenged shall transmit a copy of the notice of appeal to the committee. Review proceedings shall be conducted in accordance with the Florida Rules of Appellate Procedure.

(b) When proceedings under this chapter are consolidated for final hearing and the parties to the consolidated proceeding seek review of final or interlocutory orders in more than one district court of appeal, the courts of appeal may transfer and consolidate the review proceedings. A court may transfer such appellate proceedings on its own motion, upon motion of a party to one of the appellate proceedings, or by stipulation of the parties to the appellate proceedings. In determining whether to transfer a proceeding, the court may consider such factors as the interrelationships of the parties and the proceedings, the desirability of avoiding inconsistent results in related matters, judicial economy, and the burden on the parties of reproducing the record for use in multiple appellate courts.

(16) If a hearing officer's final order determining the validity of a rule or proposed rule pursuant to s. 120.54(4) or s. 120.56 depends on any fact found by the hearing officer, the court shall not substitute its judgment for that of the hearing officer as to the weight of the evidence on any disputed finding of fact. The court shall, however, set aside the final order of the hearing officer or remand the case to the hearing officer if it finds that the final order depends on any finding of fact that is not supported by competent substantial evidence in the record of the proceeding under s. 120.54(4) or s. 120.56.

Section 13. Before October 1, 1996, the Legislature shall review chapter 120, Florida Statutes, to consider changes to that chapter based on the following factors:

- (1) An administrative process that is not overly complex or burdensome;
- (2) An administrative process that provides easy access to the process for parties affected by agency action;
- (3) An administrative process that is not costly to participate in;
- (4) An administrative process that gives equal consideration to the position of the affected party and the agency; and
- (5) Any other factor that the Legislature considers appropriate based on the Legislature's examination of the chapter or based on comments or recommendations made by any public official, organization, or person.

Section 14. Subsection (1) of section 120.57, Florida Statutes, is amended to read:

120.57 Decisions which affect substantial interests.—The provisions of this section apply in all proceedings in which the substantial interests of a party are determined by an agency, unless such proceedings are exempt pursuant to subsection (5). Unless waived by all parties, subsection (1) applies whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) applies in all other cases.

(1). FORMAL PROCEEDINGS.—

(a) A hearing officer assigned by the division shall conduct all hearings under this subsection, except for:

- 1. Hearings before agency heads or a member thereof other than an agency head or a member of an agency head within the Department of Business and Professional Regulation;
- 2. Hearings before the Unemployment Appeals Commission in unemployment compensation appeals, unemployment compensation appeals referees, and special deputies pursuant to s. 443.141;
- 3. Hearings regarding drivers' licensing pursuant to chapter 322;
- 4. Hearings conducted within the Department of Health and Rehabilitative Services in the execution of those social and economic programs administered by the former Division of Family Services of said department prior to the reorganization effected by chapter 75-48, Laws of Florida;

5. Hearings in which the division is a party, in which case an attorney assigned by the Administration Commission shall be the hearing officer;

6. Hearings which involve student disciplinary suspensions or expulsions and which are conducted by educational units;

7. Hearings of the Public Employees Relations Commission in which a determination is made of the appropriateness of the bargaining unit, as provided in s. 447.307;

8. Hearings held by the Department of Agriculture and Consumer Services pursuant to chapter 601; and

9. Hearings held by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system established by s. 321.051. Such hearings shall be held by a hearing officer appointed by the director of the Division of Florida Highway Patrol.

(b) In any case to which this subsection is applicable, the following procedures apply:

1. A request for a hearing shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. In a preliminary hearing for the revocation of parole, no less than 7 days' notice shall be given. In a hearing involving a student disciplinary suspension or expulsion conducted by an educational unit, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

- A statement of the time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is to be held.
- A reference to the particular sections of the statutes and rules involved.
- Except for any hearing before an unemployment compensation appeals referee, a short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. *Each announcement of an agency decision that affects substantial interests must advise whether mediation of the administrative dispute is available without affecting the right to an administrative hearing. If the agency and all parties to the administrative action consent to mediation, in writing, within the time period stated in the announcement for election of an administrative remedy under this section, the time limitations imposed by this section shall be tolled to allow the agency and parties to mediate the administrative dispute. The mediation agreement must include provisions for mediator selection, the allocation of costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the agency shall enter a final order incorporating the agreement of the parties. If mediation terminates without settlement of the dispute, the agency shall notify the parties in writing that the administrative hearing processes under this section remain available for disposition of the dispute and shall state with particularity the deadlines for challenging the agency action and electing remedies under this section.*

4.3. Except for any proceeding conducted as prescribed in s. 120.54(4) or s. 120.56, a petition or request for a hearing under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall so notify the division within 15 days of receipt of the petition or request. When the Florida Land and Water Adjudicatory Commission receives a notice of appeal pursuant to s. 380.07, the commission shall notify the division within 60 days of receipt of the notice of appeal if the commission elects to request the assignment of a hearing officer. On the request of any agency, the division shall assign a

hearing officer with due regard to the expertise required for the particular matter. The referring agency shall take no further action with respect to the formal proceeding, except as a party litigant, as long as the division has jurisdiction over the formal proceeding. Any party may request the disqualification of the hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

~~4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross examine or challenge or rebut it.~~

5. All pleadings, motions, or other papers filed in the proceeding must be signed by a party, the party's attorney, or the party's qualified representative. The signature of a party, a party's attorney, or a party's qualified representative constitutes a certificate that he has read the pleading, motion, or other paper and that, to the best of his knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the hearing officer, upon motion or his own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which ~~must~~ may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper. ~~The sanction may also include an order to pay the other party or parties the amount of, including a reasonable attorney's fee incurred because of the filing of the pleading, motion, or other paper.~~

6. *Each agency statement defined as a rule under s. 120.52 and not adopted by the rulemaking procedure provided by s. 120.54 which is relied upon by an agency to determine the substantial interests of a party shall be subject to de novo review by a hearing officer. A statement shall not enlarge, modify, or contravene the specific provision of law implemented or otherwise exceed delegated legislative authority. The statement applied as a result of a proceeding pursuant to this subsection shall be demonstrated to be within the scope of delegated legislative authority. Recommended and final orders pursuant to this subsection shall provide an explanation of the statement that includes the evidentiary basis which supports the statement applied and a general discussion of the justification for the statement applied.*

7. Recognizing that the formal adjudicatory hearing process established by the Administrative Procedure Act of 1974 has become litigiously complex and financially burdensome to the residents and the governmental agencies of this state, the Legislature hereby establishes a bifurcated hearing process to encourage the expeditious and cost-effective resolution of administrative disputes.

a. Within 5 business days following the division's receipt of a petition or request for hearing, the division shall issue and serve on all parties an initial order that assigns the case to a specific hearing officer and provides general information regarding practice and procedure before the division. The initial order shall also contain a statement printed in at least 14-point boldfaced type, advising the addressees that a summary hearing is available under paragraph (c) and briefly describing the expedited time sequences, limited discovery, and final order provisions of the summary procedure.

b. Within 20 days after service of the initial order, any party may file with the division a motion for summary hearing in accordance with paragraph (c). Other parties to the proceeding may, within 7 days after service of the motion, file written memoranda in opposition. If the petitioner or agency timely files a written objection to the motion, explaining how the case is infused with policy considerations for which the agency has special responsibility which cannot be addressed adequately in the summary hearing process, the hearing officer shall issue an order, not subject to appeal as an interlocutory or non-final order under s. 120.68, directing that the case proceed in accordance with the formal adjudicatory processes of this paragraph, and the remaining provisions of this subparagraph shall not apply.

c. In the discretion of the hearing officer, a hearing on the motion may be scheduled and conducted by telephone conference call. Within 20 days after service of the motion or within 15 days after any hearing on the motion, whichever is later, the hearing officer shall issue an order directing how the case will proceed and detailing the reasons for that decision.

d. The hearing officer shall determine whether to conduct the proceeding in accordance with the summary procedure described in paragraph (c) by considering the following six factors:

(I) Whether, having been duly served with the initial order, the parties understand the differences between the two types of formal administrative hearings available under this paragraph and paragraph (c), as well as the procedure for selecting the appropriate hearing process.

(II) The apparent factual and legal complexity of the issues.

(III) The number of entities involved, including any agency, party, and potential intervenor.

(IV) The number and expertise of witnesses who may testify at the final hearing.

(V) The amount of any fine or penalty that may be imposed if the allegations of the petition are proven at the final hearing.

(VI) The nature and type of the case and how cases involving similar parties and circumstances usually proceed.

e. The hearing officer's determination is not subject to appeal as an interlocutory or non-final order under s. 120.68. An order directing that the case proceed in accordance with paragraph (c) must also include a date for the final administrative hearing, which date must not be more than 45 days after the date of the order.

f. Intervenors in the proceeding are governed by the decision of the hearing officer regarding whether the case will proceed in accordance with the summary hearing process in paragraph (c) and do not have standing to challenge that decision.

g. If the case proceeds in accordance with paragraph (c), the remaining provisions of this paragraph do not apply.

h. If a motion for summary hearing under paragraph (c) is not filed within 20 days after service of the division's initial order, the matter shall proceed in accordance with the remaining provisions of this paragraph.

8. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer's recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, all parties must be given an opportunity to cross-examine or challenge or rebut it.

9.6. The record in a case governed by this paragraph subsection shall consist only of:

- a. All notices, pleadings, motions, and intermediate rulings;
- b. Evidence received or considered;
- c. A statement of matters officially recognized;
- d. Questions and proffers of proof and objections and rulings thereon;
- e. Proposed findings and exceptions;
- f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;
- g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under s. 120.66(1), if such communications are public records;
- h. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and
- i. The official transcript.

10.7. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost. In any proceeding before a hearing officer initiated by a consumptive use permit applicant pursuant to subparagraph 17.14, the applicant shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to the water management district. At the request of any other party, full or partial transcripts shall be provided at no more than cost.

11.8. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

12.9. Except as provided in subparagraph 16.13, the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, and recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

13.10. The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order. The agency may not reject or modify the findings of fact, including findings of fact that form the basis for an agency statement, unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action. When there is an appeal, the court in its discretion may award reasonable attorney's fees and costs to the prevailing party if the court finds that the appeal was frivolous, meritless, or an abuse of the appellate process or that the agency action which precipitated the appeal was an abuse of the agency's discretion.

14.11. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

15.12. A hearing officer who is a member of an agency head may participate in the formulation of the final order of the agency, provided he has completed all his duties as hearing officer.

16.13. In any application for a license or merger pursuant to title XXXVIII which is referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of findings of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.

17.14. In any application for a consumptive use permit pursuant to part II of chapter 373, the water management district on its own motion may, or, at the request of the applicant for the permit, shall, refer the matter to the division for the appointment of a hearing officer to conduct a hearing under this section.

~~15. Each agency statement defined as a rule under s. 120.52 and not adopted by the rulemaking procedure provided by s. 120.54 which is relied upon by an agency to determine the substantial interests of a party shall be subject to de novo review by a hearing officer. A statement shall not enlarge, modify, or contravene the specific provision of law implemented or otherwise exceed delegated legislative authority. The statement applied as a result of a proceeding pursuant to this subsection shall be demonstrated to be within the scope of delegated legislative authority. Recommended and final orders pursuant to this subsection shall provide an explanation of the statement that includes the evidentiary basis which supports the statement applied and a general discussion of the justification for the statement applied.~~

(c) In any case to which this paragraph applies, the following procedures apply:

1. Motions are be limited to the following:
 - a. A motion in opposition to the petition.

b. A motion requesting discovery beyond the informal exchange of documents and witness lists described in subparagraph 2. Upon a showing of necessity, additional discovery may be allowed in the discretion of the hearing officer, but only if it can be completed not later than 5 days before the final hearing.

c. A motion for continuance of the final hearing date.

d. A motion requesting a prehearing conference, or the hearing officer may require a prehearing conference, for the purpose of identifying: the legal and factual issues to be considered at the final hearing; the names and addresses of witnesses that may be called to testify at the final hearing; documentary evidence that will be offered at the final hearing; the range of penalties that may be imposed upon final hearing; and any other matter that the hearing officer determines would expedite resolution of the proceeding. The prehearing conference may be held by telephone conference call.

e. During or after any preliminary hearing or conference, any party or the hearing officer may suggest that the case is no longer appropriate for summary disposition based on the six factors described in subparagraph (b)7.d. Following any argument requested by the parties, the hearing officer may enter an order referring the case back to the formal adjudicatory process described in paragraph (b), in which event the parties shall proceed accordingly and the remaining provisions of this paragraph do not apply to the proceeding.

2. Not later than 5 days before the final hearing, the parties shall furnish to each other copies of documentary evidence and lists of witnesses who may testify at the final hearing.

3. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel or other qualified representative.

4. The record in a case governed by this paragraph shall consist only of:

- a. All notices, pleadings, motions, and intermediate rulings.
- b. Evidence received.
- c. A statement of matters officially recognized.
- d. Proffers of proof and objections and rulings thereon.

e. Matters placed on the record after an *ex parte* communication pursuant to s. 120.66(2).

f. The written decision of the hearing officer presiding at the final hearing.

g. The official transcript of the final hearing.

5. The agency shall accurately and completely preserve all testimony in the proceeding and, upon request by any party, shall make a full or partial transcript available at no more than actual cost.

6. The decision of the hearing officer shall be rendered within 30 days after the conclusion of the final hearing or the filing of the transcript thereof, whichever is later. The hearing officer's decision, which shall be final agency action subject to judicial review under s. 120.68, shall include the following:

a. Findings of fact based exclusively on the evidence of record and matters officially recognized.

b. Conclusions of law and interpretations of administrative rules.

c. Imposition of a fine or penalty, if applicable.

d. Any other information required by law or rule to be contained in a final order.

7. If the hearing officer assigned to a proceeding becomes unavailable, the division shall assign another hearing officer who shall use the existing record and receive any additional evidence or argument that the new hearing officer finds necessary.

8. For a period of 2 years following the effective date of this act, the division shall maintain a register of the total number of formal proceedings filed with the division under this subsection. Unless otherwise prohibited by law, the register shall identify the cases wherein a party

requested a summary final hearing under this paragraph, including the names, addresses, and telephone numbers of the party that requested a summary hearing and any party that objected to a summary hearing, and shall briefly summarize the reasons for the hearing officer's order to proceed in accordance with the formal adjudicatory process. The division shall transmit a copy of the register to the President of the Senate and the Speaker of the House of Representatives on or before December 31 of the 3 calendar years following the effective date of this act.

Section 15. This act shall take effect July 1, 1994.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to administrative rules; amending s. 11.60, F.S.; revising membership of the Administrative Procedures Committee; requiring reports of the committee to contain certain information; prescribing duties of the committee to continuously review the administrative rulemaking process; amending s. 120.51, F.S.; prescribing requirements that must be considered before an agency may be given rulemaking power by the Legislature; amending s. 120.52, F.S.; redefining the term "invalid exercise of delegated legislative authority," and defining the term "small county," for purposes of the Administrative Procedure Act; amending s. 120.535, F.S.; prescribing authority of the Administrative Procedures Committee to seek an administrative determination that an agency statement violates the requirement that rulemaking be feasible and practicable; creating s. 120.534, F.S.; describing rulemaking authority that must be granted before an agency may adopt a rule; amending s. 120.54, F.S.; requiring additional information to be given in notices of proposed rules; providing for agencies to prepare rule development statements and prescribing the content of such statements; providing for statements of estimated regulatory costs; requiring consideration of rule impact on small counties as well as on small businesses; revising provisions on who may challenge a proposed rule, grounds for challenge, and when a challenge must be filed; providing for continuance of a rule hearing; requiring preparation of a rulemaking record; revising requirements for preparation of model rules; prescribing duties of agencies in considering alternative regulatory approaches; revising limits on when a rule may be filed for adoption; requiring filing of additional materials; providing for notice when a rule to be adopted is unchanged from the rule as previously filed; requiring additional information to be included with that certified when a rule is filed; providing for the Department of State to reject certain rules; requiring agencies to report to the Legislature with respect to simplifying and clarifying rules; amending s. 120.545, F.S.; prescribing procedures when the Administrative Procedures Committee objects to a rule; amending s. 120.55, F.S.; authorizing rather than requiring a contract; providing that the Department of State shall retain the copyright over the text of the Florida Administrative Code; increasing an allowable amount of unencumbered funds in the revolving trust fund; amending s. 120.56, F.S.; revising provisions with respect to the administrative determination of a rule by hearing officer; defining good cause; amending s. 120.58, F.S.; providing that legislative history shall be admissible under certain circumstances; amending s. 120.68, F.S.; revising provisions with respect to judicial review; prescribing standards for judicial review; providing for legislative review of ch. 120, F.S., relating to administrative procedures; amending s. 120.57, F.S.; revising procedures for formal proceedings relating to state-agency decisions that affect the substantial interests of a party, when such proceeding involves a disputed issue of material fact; providing effective dates.

On motion by Senator Williams, by two-thirds vote **CS for HB 237** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motions by Senator Dyer, by two-thirds vote **HB 2413** was withdrawn from the Committees on Professional Regulation, Criminal Justice and Appropriations.

On motion by Senator Dyer—

HB 2413—A bill to be entitled An act relating to regulation of professions; creating s. 455.2185, F.S.; exempting from state licensure requirements out-of-state or foreign professionals who are employed or designated by a sports entity visiting the state for a specific sporting event; providing limits on the practice permitted such professionals; repealing

ss. 458.3095 and 459.0051, F.S., relating to exemption from state licensure requirements for physicians licensed in another state who are employed or designated by a sports entity visiting the state for a specific sporting event, to conform; creating s. 455.2142, F.S.; revising continuing education requirements for health care practitioners serving in the Legislature; amending s. 455.2226, F.S.; requiring persons licensed or certified under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 455.261, F.S.; providing that certain information obtained by impaired practitioner consultants and the Department of Business and Professional Regulation is immune from discovery in civil actions; amending s. 458.307, F.S., relating to the Board of Medicine; eliminating a provision relating to probable cause panels; amending s. 455.206, F.S.; correcting a cross-reference; amending s. 458.311, F.S.; revising licensure requirements for medical physicians; revising an educational and postgraduate training requirement; allowing certain applicants to complete a fellowship to partially satisfy the licensing requirements; requiring applicants to provide sufficient information and fingerprints; revising a restriction on the number of times an applicant may fail the examination to include remediation after a certain number; eliminating a provision relating to restricted licensure of foreign-trained physicians, which provision was repealed on October 1, 1993; providing for those foreign-trained physicians to pursue licensure notwithstanding the repeal of that provision; reenacting s. 458.310(2)(a), F.S., relating to restricted licenses, to incorporate the amendment to s. 458.311, F.S., in a reference thereto; amending s. 458.313, F.S.; revising requirements for licensure by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; correcting a cross-reference; amending s. 458.3145, F.S., relating to medical faculty certificates; revising renewal requirements; removing provisions relating to extent of practice; revising a provision relating to the maximum number of certificateholders authorized at specified institutions and facilities; amending ss. 458.316, 458.3165, 458.317, F.S.; correcting cross-references; amending s. 458.319, F.S.; clarifying requirements for renewal of license; creating s. 458.326, F.S.; authorizing physicians to prescribe or administer controlled substances for the treatment of intractable pain and providing requirements thereof; creating ss. 458.3312 and 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331 and 459.015, F.S.; revising and providing grounds for disciplinary action; reenacting ss. 458.311(1)(d) and (5), 458.313(7), and 458.345(1)(b), F.S., relating to licensure by examination, licensure by endorsement, and registration of resident physicians, interns, and fellows, to incorporate the amendment to s. 458.331, F.S., in references thereto; amending s. 458.347, F.S.; revising requirements for certification of physician assistants certified under ch. 459, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; revising certain other requirements for certification; deleting provisions relating to reactivation of an inactive certificate as a physician assistant and to automatic expiration of the certificate; amending s. 459.022, F.S.; revising requirements for certification of physician assistants certified under ch. 458, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; amending s. 766.1115, F.S., to conform; correcting a definition; amending s. 459.007, F.S.; revising requirements for licensure as an osteopathic physician by endorsement; amending s. 459.011, F.S.; providing that it is state policy that physicians licensed under chapter 458 and osteopathic physicians licensed under chapter 459 be accorded equal professional status and privileges and providing requirements with respect thereto; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractor by examination; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; providing for reinstatement of certain chiropractor licenses; creating s. 461.0055, F.S.; providing for investigation of the qualifications of applicants for licensure as a podiatrist; creating s. 461.011, F.S.; prohibiting sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; revising and providing grounds for disciplinary action; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), and 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care ser-

vices, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013 and 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; creating s. 461.019, F.S.; providing for a podiatric medical faculty certificate; amending s. 463.006, F.S.; revising accreditation provisions relating to licensure as an optometrist; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing; amending s. 464.005, F.S.; requiring the board's executive director to be a registered nurse; amending s. 464.008, F.S.; providing that applicants for licensure as a registered or licensed practical nurse are responsible for the fee required by the Department of Law Enforcement for background checks; amending s. 464.015, F.S.; revising the period during which the terms "Graduate Nurse" and "Graduate Practical Nurse" and their corresponding abbreviations may be used; amending s. 464.022, F.S.; revising and providing exemptions from regulation under ch. 464, F.S., relating to nursing; amending s. 465.003, F.S.; revising the definition of "practice of the profession of pharmacy"; providing the definition of "kidney dialysis home health care system"; amending ss. 465.014, 465.015, and 499.003, F.S.; correcting cross-references; creating s. 465.0075, F.S.; providing for licensure of certain foreign-trained pharmacists; providing for future repeal of the section; creating s. 465.0105, F.S.; providing for a pharmacy specialist certificate; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and Doctors of Pharmacy; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.0196, F.S.; providing requirements for issuance of special pharmacy permits to operators of kidney dialysis home health care systems; providing for the operation of certain nonprofit pharmacies; correcting a cross-reference; amending s. 465.186, F.S.; increasing the membership of the committee responsible for establishing the formulary of medicinal drug products and dispensing procedures; amending s. 831.30, F.S., relating to the offense of fraudulently obtaining medicinal drugs; revising a cross-reference; amending s. 466.003, F.S.; defining "oral and maxillofacial surgery"; amending s. 466.004, F.S.; revising purpose of the Council on Dental Hygiene; amending s. 466.006, F.S.; adding a qualification for taking the examination for licensure as a dentist; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; increasing the administrative fine; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.006 and 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for dentists holding themselves out as specialists; creating s. 466.045, F.S.; providing for annual accountings of various licensure fees collected under ch. 466, F.S., relating to dentistry, dental hygiene, and dental laboratories; amending s. 467.009, F.S.; revising and providing requirements for midwifery educational programs; reenacting s. 467.205(1), (3), and (4), F.S., relating to approval of midwifery programs, to incorporate the amendment to s. 467.009, F.S., in references thereto; amending s. 468.1115, F.S.; providing an exemption from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; increasing certain licensure, certification, and inactive status fees; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing that applicants for dual licensure in speech-language pathology and audiology are not required to hold a second master's degree; amending s. 468.1215, F.S.; revising accreditation provisions relating to certification as a speech-language pathology assistant or as an audiology assistant; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license or failing to notify the board of a change in mailing address within a specified time; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.209, F.S.; revising licensure requirements for licensure as an occupational therapist or occupational therapist assistant; providing for certain temporary permits; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending s. 468.301, F.S.; defining "mammographer"; amending s. 468.302, F.S.; adding the certification category of mammographer; specifying which certificateholders may perform mammography and brachytherapy; revising the supervision required for hospital residents and students; amending s. 468.304, F.S.; modifying qualifications for certification; specifying qualifications for certification as a mammographer; amending s. 468.306, F.S.; modifying examination qualifications; amending s. 468.3065, F.S.; specifying a nonrefundable fee; amending s. 468.307, F.S.; conforming qualifications for temporary certification; modifying requirements for the display of certificates; creating s. 468.3071, F.S.; providing for mammographer certification based on prior experience; providing for future repeal; amending s. 468.309, F.S.; revising the

expiration date of certificates; amending s. 468.3095, F.S.; specifying a nonrefundable fee; amending s. 468.311, F.S.; revising an offense for which a penalty is provided; amending s. 468.314, F.S.; increasing the membership of the Advisory Council on Radiation Protection by adding a certified radiologic technologist-mammography and a representative of the Department of Education; deleting obsolete provisions relating to staggered terms; providing for appointment of replacement members under specified circumstances; specifying source of reimbursement for travel expenses; redefining the scope of the advisory council; deleting obsolete Sundown provisions; amending s. 468.509, F.S.; revising accreditation provisions relating to licensure as a dietitian/nutritionist; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.42, F.S.; revising the definition of "electrolysis or electrology"; amending s. 478.44, F.S.; increasing membership of the Electrolysis Council; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; providing for the approval of an electrology licensure examination; amending ss. 478.46 and 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; creating s. 478.475, F.S.; providing for licensure without examination; amending s. 483.035, F.S.; providing responsibility of the Agency for Health Care Administration for personnel standards for exclusive use laboratories; amending s. 483.041, F.S.; including licensed optometrists within the definition of "licensed practitioner" for purposes of laws regulating clinical laboratories; amending s. 483.051, F.S.; revising provisions relating to alternate-site testing; providing responsibility of the agency; providing certain responsibilities of clinical laboratory directors; deleting requirement for consultation with the Board of Clinical Laboratory Personnel; directing the agency to solicit certain comments; specifying a testing protocol; specifying minimum training and education for those who perform testing; amending ss. 483.23, 483.800, 483.801, 483.803, and 483.813, F.S.; providing that provisions governing the regulation and licensure of clinical laboratory personnel do not apply to persons engaged in alternate-site testing or in testing performed at practitioners' exclusive use laboratories or laboratories that perform only waived tests; revising the definition of "clinical laboratory personnel"; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 483.26, F.S.; requiring establishment of a technical advisory panel; providing composition; amending s. 483.811, F.S.; deleting reference to board responsibility for regulation of personnel in laboratories operated under s. 483.035, F.S.; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; amending s. 483.827, F.S.; revising administrative penalties; creating s. 483.828, F.S.; providing criminal penalties for specified violations; amending ss. 484.002 and 484.003, F.S.; correcting a reference; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit; providing requirements when there is a change in ownership; amending s. 484.013, F.S.; prohibiting the opening or operating of unpermitted optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to optical establishment permitholders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices; providing an appropriation to implement the permitting of optical establishments; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending ss. 486.021, 486.081, 486.102, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 490.005, F.S., relating to licensure of psychologists and school psychologists; increasing application fees; revising accreditation and other educational requirements; amending s. 490.006, F.S.; revising psychology licensure by endorsement requirements; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; revising accreditation provisions relating to licensure as a marriage and family therapist or as a mental health counselor; creating s. 491.0055, F.S.; providing for licensure of certain persons as mental

health counselors under special conditions involving a district court order; providing for future repeal of the section; amending ss. 468.1245 and 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the Department of Business and Professional Regulation; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "t" switch technology; amending s. 400.211, F.S.; revising certification requirements for nursing assistants; authorizing the Department of Business and Professional Regulation to perform, provide, contract for, or grant approval for others to perform or provide nursing assistant certification services and commodities; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rule-making authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; providing an appropriation to implement the regulation of athletic trainers; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; creating s. 455.2222, F.S.; requiring persons licensed or certified to provide certain medical, dental, social, or counseling services to take a course on domestic violence as part of their continuing education requirements; requiring applicants for initial licensure to take such a course; providing duties of the affected professional boards relating to such requirements and granting rulemaking authority therefor; requiring each affected professional board to submit an annual report to the Legislature; amending s. 455.2226, F.S., to correct a cross-reference; amending s. 455.227, F.S.; making failure to comply with such educational course requirements a ground for disciplinary action; providing penalties; requiring the Department of Business and Professional Regulation to provide recommendations to the Legislature for a uniform licensing system for foreign-trained and foreign-licensed professionals; providing for issuance of restricted medical licenses without examination to a specified group; providing guidelines for issuance of such restricted license; amending s. 404.051, F.S.; directing the Department of Health and Rehabilitative Services to develop certain healing arts self-referral programs for mammography and bone densitometry; creating part XIV of chapter 468, F.S., relating to invasive cardiovascular technology; providing for regulation of the practice of invasive cardiovascular technology under the Department of Business and Professional Regulation; providing a short title, purpose, and definitions; requiring invasive cardiovascular technologists to register with the State of Florida; establishing qualifications for Florida registration; providing application, initial registration, and renewal fees; providing for biennial renewal; providing rulemaking authority; amending ss. 455.214 and 458.317, F.S.; allowing limited licensees to work for certain agencies or institutions; amending s. 455.207, F.S.; providing that the membership of committees established by boards within the Department of Business and Professional Regulation must consist of currently appointed members of the appointing board unless otherwise specified by law; amending s. 490.014, F.S.; expanding exemptions to include certain school psychologists; amending s. 458.317, F.S.; providing for fees if a person receives monetary compensation for the practice of medicine; providing an applicant need not provide a copy of medical degree; creating s. 458.115, F.S.; providing for examination and licensure of foreign-trained physicians; providing effective dates.

—a companion measure, was substituted for CS for CS for SB 2440 and read the second time by title.

Senator Dyer moved the following amendment:

Amendment 1 (with Title Amendment)—On page 16, line 20, strike everything after the enacting clause and insert:

Section 1. Section 455.2185, Florida Statutes, is created to read:

455.2185 Exemption for certain out-of-state or foreign professionals; limited practice permitted.—

(1) A professional of any other state or of any territory or other jurisdiction of the United States or of any other nation or foreign jurisdiction is exempt from the requirements of licensure under this chapter and the applicable professional practice act under the agency with regulatory jurisdiction over the profession if that profession is regulated in this state under the agency with regulatory jurisdiction over the profession and if that person:

(a) Holds, if so required in the jurisdiction in which that person practices, an active license to practice that profession.

(b) Engages in the active practice of that profession outside the state.

(c) Is employed or designated in that professional capacity by a sports entity visiting the state for a specific sporting event.

(2) A professional's practice under this section is limited to the members, coaches, and staff of the team for which that professional is employed or designated and to any animals used if the sporting event for which that professional is employed or designated involves animals. A professional practicing under authority of this section shall not have practice privileges in any licensed health care facility or veterinary facility without the approval of that facility.

Section 2. Sections 458.3095 and 459.0051, Florida Statutes, are repealed.

Section 3. Section 455.2142, Florida Statutes, is created to read:

455.2142 Health care practitioner.—A health care practitioner, as defined in s. 455.01, licensed to practice in this state and serving in the Legislature may use such service on an annual basis to satisfy a portion of the continuing education requirements, as determined by the applicable board by rule, imposed by law on the practitioner during the applicable year.

Section 4. Subsection (1) of section 455.2226, Florida Statutes, is amended to read:

455.2226 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) As of July 1, 1991, the appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; chapter 464; chapter 465; chapter 466; part II, part III, or part V of chapter 468; chapter 470; or chapter 486; or chapter 491 to complete a continuing educational course, approved by the board, on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.

Section 5. Paragraph (a) of subsection (5) of section 455.261, Florida Statutes, is amended to read:

455.261 Treatment programs for impaired practitioners.—

(5)(a) An approved treatment provider shall, upon request, disclose to the consultant all information in its possession regarding the issue of a licensee's impairment and participation in the treatment program. All information obtained by the consultant and department under ~~pursuant to~~ this section is confidential, *immune from discovery in civil actions*, and exempt from the provisions of s. 119.07(1), subject to the provisions of this subsection and subsection (6). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Failure to provide such information to the consultant is grounds for withdrawal of approval of such program or provider.

Section 6. Subsections (2) and (5) of section 458.307, Florida Statutes, are amended to read:

458.307 Board of Medicine.—

(2)(a) Twelve members of the board must be licensed physicians in good standing in this state who are residents of the state and who have been engaged in the active practice or teaching of medicine for at least 4 years immediately preceding their appointment. One of the physicians must be on the full-time faculty of a medical school in this state, and one of the physicians must be in private practice and on the full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must be a graduate of a foreign medical school. The remaining three members must be residents of the state who are not, and never have been, licensed health care practitioners. One member must be a hospital risk manager certified under part IX of chapter 626. At least one member of the board must be 60 years of age or older.

(b) ~~The board shall establish at least one, but not more than two, probable cause panels to meet the responsibilities set out in s. 455.225(4). Each probable cause panel shall be composed of three members, one of whom shall be a lay member. One physician member may, if provided for in administrative rule, be a past board member who is not currently appointed to the board.~~

(5) During the time members are appointed to a probable cause panel, they shall attempt to complete their work on every case presented to them. In the event that consideration of a case is begun but not completed during the term of those members on the panel, they may reconvene as a probable cause panel, ~~in addition to the panels established under paragraph (2)(b),~~ for the purpose of completing their deliberations on that case.

Section 7. Section 455.206, Florida Statutes, is amended to read:

455.206 Board members.—Notwithstanding any provision of law to the contrary, any person who otherwise meets the requirements of law for board membership and who is connected in any way with any medical college, dental college, or community college may be appointed to any board so long as that connection does not result in a relationship wherein such college represents the person's principal source of income. However, this section shall not apply to the physicians required by s. 458.307(2)(a) to be on the faculty of a medical school in this state or on the full-time staff of a teaching hospital in this state.

Section 8. Paragraph (f) of subsection (1) and subsections (2), (3), (8), (9), and (10) of section 458.311, Florida Statutes, are amended, and paragraph (g) is added to subsection (1) of said section, to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant ~~who whom~~ the board certifies:

(f) Meets one of the following medical education and postgraduate training requirements:

1.a. Is a graduate of an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Office of Education or is a graduate of an allopathic medical school or allopathic college within a territorial jurisdiction of the United States recognized by a governmental body of that jurisdiction;

b. If the language of instruction of the medical school is other than English, has demonstrated competency in English through presentation of a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

2.a. Is a graduate of a foreign medical school registered with the World Health Organization and certified pursuant to s. 458.314 as having met the standards required to accredit medical schools in the United States or reasonably comparable standards;

b. If the language of instruction of the foreign medical school is other than English, has demonstrated competency in English through presentation of the Educational Commission on Foreign Medical Graduates English proficiency certificate or by a satisfactory grade on the Test of Spoken English of the Educational Testing Service or a similar test approved by rule of the board; and

c. Has completed an approved residency of at least 1 year.

3.a. Is a graduate of a foreign medical school which has not been certified pursuant to s. 458.314;

b. Has had his medical credentials evaluated by the Education Commission on Foreign Medical Graduates, holds an active, valid certificate issued by that commission, and has passed the examination utilized by that commission; and

c. Has completed an approved residency of at least 1 year; however, after October 1, 1992, the applicant shall have completed an approved residency or fellowship of at least 3 years in one specialty area.

(g) *Has provided sufficient information and a complete set of fingerprints to enable the department to assess the qualifications and conduct a criminal background investigation of the applicant. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing.*

(2) *As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the*

applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time. Every applicant who is otherwise qualified may take the licensing examination five times after October 1, 1986, notwithstanding the number of times the examination has been previously failed. If an applicant fails the examination taken after October 1, 1986, five times, he shall no longer be eligible for licensure.

(3) Notwithstanding the provisions of subparagraph (1)(f)3., an applicant who has attended a graduate of a foreign medical school need not present the certificate issued by the Educational Commission for Foreign Medical Graduates or pass the examination utilized by that commission if he:

(a) Has received a bachelor's degree from an accredited United States college or university.

(b) Has studied at a medical school which is recognized by the World Health Organization.

(c) Has completed all of the formal requirements of the foreign medical school, except the internship or social service requirements, or both, and has passed part I of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent.

(d) Has completed an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the Council on Medical Education of the American Medical Association and upon completion has passed part II of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent.

(8) ~~Notwithstanding any of the provisions of this section, the department shall issue a restricted license to any applicant who successfully completes the Florida Board Examination and who the board certifies has met the criteria of subparagraph (a)1. or subparagraph (a)2. as follows:~~

~~(a)1.a. Is a graduate of a foreign medical institution located in a country in the Western Hemisphere with which the United States does not maintain diplomatic relations;~~

~~b. Received a medical education which was substantially similar at the time of the applicant's graduation to approved United States medical programs;~~

~~c. Practiced medicine in a foreign country from which he immigrated to the United States of America and has lawful immigration status, including employment authority; and~~

~~d. Successfully completed the examination utilized by the Educational Commission for Foreign Medical Graduates or successfully completed a course developed by the University of Miami, the University of Florida, or the University of South Florida for physician training which is equivalent to the course developed for such purposes pursuant to ch. 74-105, Laws of Florida, or successfully completed a 600-hour review course developed and administered by one of the three university medical schools or developed by said schools and administered by an organization accredited by the Accreditation Council for Continuing Medical Education and approved by the board. The board shall monitor each such course. Each applicant must have approval from the board prior to taking such course and must demonstrate, to the satisfaction of the board, that he has met the requirements of the course; or~~

~~2. Obtained a certificate of completion from the program established at the first accredited medical school pursuant to ch. 74-105, Laws of Florida, prior to January 1, 1982.~~

~~(b) The holder of a restricted license issued pursuant to this subsection may only practice medicine under the direct supervision of a physician with an active, valid license issued pursuant to this section or s. 458.313.~~

~~(c) Upon demonstration to the board that the holder of a restricted license issued pursuant to this subsection has practiced for 1 year under direct supervision, has had no malpractice suits filed against him, and has not committed any act or is not under investigation for any act which would constitute a violation of this chapter, the department shall issue an unrestricted license to the restricted licenseeholder.~~

~~(d) The Florida Board Examination may be translated into a foreign language at the request of no fewer than five applicants who are otherwise qualified pursuant to this subsection; however, the cost for such translation shall be paid by such applicants.~~

~~(e) The first sitting for the Florida Board Examination shall be held by no later than February 2, 1987, and shall be offered in 6-month intervals thereafter.~~

~~This subsection is repealed effective October 1, 1993.~~

(8)(9) When the board determines that any applicant for licensure by examination has failed to meet, to the board's satisfaction, each of the appropriate requirements set forth in this section, it may enter an order requiring one or more of the following terms:

(a) Refusal to certify to the department an application for licensure, certification, or registration;

(b) Certification to the department of an application for licensure, certification, or registration with restrictions on the scope of practice of the licensee; or

(c) Certification to the department of an application for licensure, certification, or registration with placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another physician.

(9)(10)(a) Notwithstanding any of the provisions of this section, an applicant who, at the time of his medical education, was a citizen of the country of Nicaragua and, at the time of application for licensure under this subsection, is either a citizen of the country of Nicaragua or a citizen of the United States may make initial application to the department on or before July 1, 1992, for licensure subject to this subsection and may reapply pursuant to board rule. Upon receipt of such application, the department shall issue a 2-year restricted license to any applicant therefor upon the applicant's successful completion of the licensure examination as described in paragraph (1)(a) and who the board certifies has met the following requirements:

1. Is a graduate of a World Health Organization recognized foreign medical institution that is recognized by the World Health Organization and located in a country in the Western Hemisphere.

2. Received a medical education which has been determined by the board to be substantially similar, at the time of the applicant's graduation, to approved United States medical programs.

3. Practiced medicine in the country of Nicaragua for a period of 1 year prior to residing in the United States and has lawful employment authority in the United States.

4. Has had his medical education verified by the Florida Board of Medicine.

5. Successfully completed the Educational Commission for Foreign Medical Graduates Examination or Foreign Medical Graduate Examination in the Medical Sciences or successfully completed a course developed for the University of Miami for physician training equivalent to the course developed for such purposes pursuant to chapter 74-105, Laws of Florida. No person shall be permitted to enroll in the physician training course until he has been certified by the board as having met the requirements of this paragraph or conditionally certified by the board as having substantially complied with the requirements of this paragraph. Any person conditionally certified by the board shall be required to establish, to the board's satisfaction, full compliance with all the requirements of this paragraph prior to completion of the physician training course and shall not be permitted to sit for the licensure examination unless the board certifies that all of the requirements of this paragraph have been met.

However, applicants eligible for licensure under s. 455.218 or s. 458.311(9), 1988 Supplement to the Florida Statutes 1987, as amended by s. 18, chapter 89-162, Laws of Florida, and ss. 5 and 42, chapter 89-374, Laws of Florida, and renumbered as s. 458.311(8) by s. 5, chapter 89-374, Laws of Florida, shall not be eligible to apply under this subsection.

(b) The holder of a restricted license issued pursuant to this subsection may practice medicine for the first year only under the direct supervision, as defined by board rule, of a board-approved physician.

(c) Upon recommendation of the supervising physician and demonstration of clinical competency to the satisfaction of the board that the holder of a restricted license issued pursuant to this subsection has practiced for 1 year under direct supervision, such licenseholder shall work for 1 year under general supervision, as defined by board rule, of a Florida-licensed physician in an area of critical need as determined by the board. Prior to commencing such supervision, the supervising physician shall notify the board.

(d) Upon completion of the 1 year of work under general supervision and demonstration to the board that the holder of the restricted license has satisfactorily completed the requirements of this subsection, and has not committed any act or is not under investigation for any act which would constitute a violation of this chapter, the department shall issue an unrestricted license to such licenseholder.

(e) Rules necessary to implement and carry out the provisions of this subsection shall be promulgated by the board.

Section 9. (1) Notwithstanding the repeal of subsection (8) of section 458.311, Florida Statutes (1992), on October 1, 1993, the Department of Business and Professional Regulation may license any person as a physician under the provisions of that subsection as it existed immediately prior to its repeal if the person pursuing that licensure is one who applied for but did not complete the requirements of licensure under that subsection prior to its repeal and if that person completes those requirements.

(2) This section shall take effect upon this act becoming a law.

Section 10. For the purpose of incorporating the amendment to section 458.311, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 458.310, Florida Statutes, is reenacted to read:

458.310 Restricted licenses.—

(2) The Board of Medicine may, by rule, develop criteria and, without examination, issue restricted licenses annually to up to 100 persons to practice medicine in this state who:

(a) Meet the requirements of s. 458.311;

Section 11. Subsections (1) and (2) of section 458.313, Florida Statutes, are amended to read:

458.313 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee not to exceed \$500 set by the board, demonstrates to the board that he:

(a) *Has completed the application form and remitted a nonrefundable application fee not to exceed \$500 and any applicable examination fee not to exceed \$300 plus the actual per applicant cost to the department for purchase of the examination;*

(b)(a) *Has met the qualifications for licensure in s. 458.311(1)(b)-(g)(b)-(f);*

(c)(b) *Has obtained a passing score, as established by rule of the board, on the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or the examination of the National Board of Medical Examiners, or on a combination thereof. A passing score, as established by rule of the board, on the Special Purpose Examination of the Federation of State Medical Boards (SPEX) or another board approved clinical competency examination within the 4 years immediately preceding the filing of an application for licensure under this section shall be accepted for an applicant who holds a valid, current license in another jurisdiction of the United States in lieu of passage of any of the other examinations specified in this paragraph, provided that said examination or combination of examinations required shall have been so taken within the 10 years immediately preceding the filing of his application for licensure under this section; and*

(d)(e) *Has submitted Shows evidence of the active licensed practice of medicine in another jurisdiction of the United States, for at least 2 of the immediately preceding 4 years, or evidence of successful completion of board-approved postgraduate training within the year preceding the filing of an application for licensure. As used in this paragraph, "active practice of medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing*

ing administrative medicine and those on the active teaching faculty of an accredited medical school. The board shall adopt a rule to provide specific guidance for implementing this paragraph.

(2) *As prescribed by board rule, the board may require an applicant who does not pass the licensing examination after five or more attempts to complete additional remedial education or training. The board shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the board to retake the examination a sixth or subsequent time. The board may require oral examinations of any applicant under the provisions of this section. However, the applicant must be given adequate notice of the examination, both as to the time, place, nature, and scope thereof, as well as a statement of the reasons requiring such examination. Failure to successfully complete an oral examination, if required by the board, shall result in revocation of the license.*

Section 12. Section 458.3145, Florida Statutes, is amended to read:

458.3145 Medical faculty certificate.—

(1) A medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited medical school or its equivalent, or is a graduate of a foreign medical school listed with the World Health Organization;

(b) Holds a valid, current license to practice medicine in another jurisdiction;

(c) Meets the requirements of s. 458.311(1)(a)-(e) and (g); and

(d) Has completed an approved residency of at least 1 year or has received training which has been determined by the board to be equivalent to the 1-year residency requirement.

(2) The certificate shall authorize the holder to practice only in conjunction with his faculty position at an accredited medical school and its affiliated clinics or teaching hospitals which are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing. Such certificate shall automatically expire when the holder's relationship with the medical school is terminated or after a period of 24 months, whichever occurs sooner, and is not renewable.

(3) Notwithstanding the provisions of subsection (2), A medical faculty certificate is renewable every 2 years by a holder who applies to the board on a form prescribed by the board and:

(a) Is currently licensed to practice medicine in another jurisdiction in the United States; and

(b) *Currently holds Has been offered and has accepted a full-time faculty appointment to teach in a program of medicine at the University of Florida, the University of Miami, or the University of South Florida; and*

(c) *Provides certification by the dean of the university offering such appointment that the holder is a distinguished medical scholar and an outstanding practicing physician.*

(4) *The recipient of a renewal certificate may engage in the practice of medicine to the extent that such practice is a necessary part of his duties in connection with his faculty position in his medical school and its affiliated clinics and teaching hospitals which are registered with the Board of Medicine as sites at which holders of medical faculty certificates will be practicing.*

(4)(5) The maximum number of extended medical faculty certificate-holders in any year may not exceed 5 persons at each teaching hospital as defined in s. 408.07 and 15 persons each at the University of Florida, the University of Miami, the University of South Florida and 15 persons at each institution named in paragraph (3)(b); 5 of the extended medical faculty certificates granted to the University of South Florida College of Medicine will be designated for use at the facility named in s. 240.512.

(5)(6) Notwithstanding the provisions of paragraphs (1)(b) and (c), any physician when providing medical care or treatment in connection with the education of students, residents, or faculty at the request of the dean of an accredited medical school within this state may do so upon registration with the board and demonstration of financial responsibility

pursuant to s. 458.320(1) or (2) unless such physician is exempt under s. 458.320(5)(a). Such performance of medical care or treatment shall be limited to a single period of time in a calendar year, which period of time may not exceed 30 consecutive days and must be rendered within a facility registered under subsection (2). A registration fee not to exceed \$300, as set by the board, is required of each physician registered pursuant to this subsection.

Section 13. Subsection (1) of section 458.316, Florida Statutes, is amended to read:

458.316 Public health certificate.—

(1) Any person desiring to obtain a public health certificate shall submit an application fee not to exceed \$300 and shall demonstrate to the board that he is a graduate of an accredited medical school and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, or is licensed to practice medicine without restriction in another jurisdiction in the United States and holds a master of public health degree or is board eligible or certified in public health or preventive medicine, and shall meet the requirements in s. 458.311(1)(a)-(f) and (5).

Section 14. Section 458.3165, Florida Statutes, is amended to read:

458.3165 Public psychiatry certificate.—The board shall issue a public psychiatry certificate to an individual who remits an application fee not to exceed \$300, as set by the board, who is a board-certified psychiatrist, who is licensed to practice medicine without restriction in another state, and who meets the requirements in s. 458.311(1)(a)-(f) and (5).

(1) Such certificate shall:

(a) Authorize the holder to practice only in a public mental health facility or program funded in part or entirely by state funds.

(b) Be issued and renewable biennially if the secretary of the Department of Health and Rehabilitative Services and the chairman of the department of psychiatry at one of the public medical schools or the chairman of the department of psychiatry at the accredited medical school at the University of Miami recommend in writing that the certificate be issued or renewed.

(c) Automatically expire if the holder's relationship with a public mental health facility or program expires.

(d) Not be issued to a person who has been adjudged unqualified or guilty of any of the prohibited acts in this chapter.

(2) The board may take disciplinary action against a certificateholder for noncompliance with any part of this section or for any reason for which a regular licensee may be subject to discipline.

Section 15. Paragraph (a) of subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed \$300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

2. Meet the requirements in s. 458.311(1)(b)-(g)(b)-(f) and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the

employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 16. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine ~~or has been on the active teaching faculty of an accredited medical school~~ within the previous 4 years, and a fee not to exceed \$500; provided, however, that if the licensee is either a resident physician, assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed \$100 per annum. If the licensee has not actively practiced medicine within the previous 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine *and those on the active teaching faculty of an accredited medical school*.

Section 17. Section 458.326, Florida Statutes, is created to read:

458.326 Intractable pain; authorized treatment.—

(1) For the purposes of this section, "intractable pain" means pain for which, in the generally accepted course of medical practice, the cause cannot be removed and otherwise treated.

(2) Intractable pain must be diagnosed by a physician licensed under this chapter and qualified by experience to render such diagnosis.

(3) Notwithstanding any other provision of law, a physician may prescribe or administer any controlled substance under Schedules II-V, as provided for in s. 893.03, to a person for the treatment of intractable pain, provided that the physician does so in accordance with that level of care, skill, and treatment recognized by a reasonably prudent physician under similar conditions and circumstances.

(4) Nothing in this section shall be construed to condone, authorize, or approve mercy killing or euthanasia, and no treatment authorized by this section may be used for such purpose.

Section 18. Section 458.3312, Florida Statutes, is created to read:

458.3312 Specialties.—

(1) A physician licensed under this chapter may not hold himself out as a board-certified specialist unless he has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency approved by the board. However, a physician may indicate the services offered and may state that his practice is limited to one or more types of services when this is true.

(2) The board shall establish, by rule, criteria for the approval of recognizing agencies.

Section 19. Section 459.0152, Florida Statutes, is created to read:

459.0152 Specialties.—

(1) An osteopathic physician licensed under this chapter may not hold himself out as a board-certified specialist unless he has successfully completed postdoctoral training in the recognized specialty field accredited by the American Osteopathic Association or the Accreditation Council on Graduate Medical Education and is certified as a specialist by a certifying agency approved by the board. However, an osteopathic physician may indicate the services he offers and may state that his practice is limited to one or more types of services when this is true.

(2) The board shall establish, by rule, criteria for the approval of certifying agencies.

Section 20. Paragraph (II) is added to subsection (1) of section 458.331, Florida Statutes, and paragraph (ii) of said subsection is amended, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ii) Failing to report to the ~~department~~ ~~Division of Medical Quality Assurance~~ any licensee physician licensed under this chapter or osteopathic physician licensed under chapter 459 who the physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the physician or physician assistant also provides services.

(ll) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

Section 21. For the purpose of incorporating the amendment to section 458.331, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

458.311 Licensure by examination; requirements; fees.—

(1) Any person desiring to be licensed as a physician shall apply to the department to take the licensure examination. The department shall examine each applicant whom the board certifies:

(d) Has not committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331.

(5) The board may not certify to the department for licensure any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this chapter until such investigation is completed. Upon completion of the investigation, the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, then the board may enter an order imposing one or more of the terms set forth in subsection (9).

458.313 Licensure by endorsement; requirements; fees.—

(7) The department shall not issue a license by endorsement to any applicant who is under investigation in any jurisdiction for an act or offense which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, then the board may enter an order imposing one or more of the terms set forth in subsection (8).

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed \$300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(b) Has not committed any act or offense within or without the state which would constitute the basis for refusal to certify an application for licensure pursuant to s. 458.331.

Section 22. Paragraph (nn) is added to subsection (1) of section 459.015, Florida Statutes, and paragraph (ll) of said subsection is amended, to read:

459.015 Grounds for disciplinary action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(ll) Failing to report to the ~~department~~ ~~Division of Medical Quality Assurance~~ any licensee physician licensed under chapter 458 or osteopathic physician licensed under chapter 459 who the osteopathic physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person physician or osteopathic physician is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician or physician assistant also provides services.

(nn) Advertising or holding oneself out as a board-certified specialist in violation of this chapter.

Section 23. Effective upon this act becoming a law, paragraph (h) is added to subsection (7) of section 458.347, Florida Statutes, and paragraphs (b), (c), and (f) of said subsection and subsections (2), (6), (9), (10), (11), (12), (13), and (14) of said section are amended, to read:

458.347 Physician assistants.—

(2) DEFINITIONS.—As used in this section:

(a) "Board" means the Board of Medicine.

(b) "Department" means the Department of Business and Professional Regulation.

(c) "Approved program" means a program, formally approved by the board, for the education of physician assistants.

(d) "Trainee" means a person who is currently enrolled in an approved program.

(e) "Physician assistant" means a person who is a graduate of an approved program or its equivalent or meets standards approved by the board and is certified to perform medical services delegated by the supervising physician.

(f) "Supervision" means responsible supervision and control. Except in cases of emergency, supervision requires the easy availability or physical presence of the licensed physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term "easy availability" includes the ability to communicate by way of telecommunication. The board shall establish rules as to what constitutes responsible supervision of the physician assistant.

(g) "Proficiency examination" means an entry-level examination administered by the National Commission on Certification of Physician Assistants.

(h) "Continuing medical education" means courses recognized and approved by the board, the American Academy of Physician Assistants, or the Accreditation Council on Continuing Medical Education.

(6) PROGRAM APPROVAL.—

(a) The board shall approve programs for the education and training of physician assistants which meet standards established by board rule.

(b) The board shall adopt and publish standards to ensure that such programs operate in a manner which does not endanger the health or welfare of the patients who receive services within the scope of the programs. The board shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(c) Any community college with the approval of the State Board of Community Colleges may conduct a physician assistant program which shall apply for national accreditation through the American Medical Association's Committee on Allied Health, Education, and Accreditation or its successor organization, and which may admit unlicensed physicians who are graduates of foreign medical schools listed with the World Health Organization. A community college shall charge students enrolled pursuant to this paragraph for the full cost of providing such instruction. The unlicensed physician must have been a resident of this state for a minimum of 12 months immediately prior to admission to the program. An evaluation of knowledge base by examination shall be required to grant advanced academic credit and to fulfill the necessary requirements to graduate. A minimum of one 16-week semester of supervised clinical and didactic education, which may be completed simultaneously, shall be required before graduation from the program. All other provisions of this section shall remain in effect.

(d) Any statutory academic requirement for graduate physician assistants to practice may be fulfilled during the education of physician assistants in any accredited physician assistant program. Evidence that this requirement has been met may be attested to by the applicant in affidavit form and in accordance with chapter 455.

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(b)1. Notwithstanding the provisions of subparagraph (a)2. and subparagraph (a)3.a., the department shall examine each applicant who the board certifies:

a. Has completed the application form and remitted a nonrefundable application fee not to exceed \$500 and an examination fee not to exceed \$300, plus the actual cost to the department to provide the examination for purchase of a proficiency examination from a national organization or, if unavailable, for development of a proficiency examination by the department. The examination fee is refundable if the applicant is found to be ineligible to take the examination.

b. Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the board as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), (3), (4), and (5), with the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates.

c. Was eligible and Has applied for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991, and applies for certification before October 1, 1994.

d. Was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990.

2. The board may grant temporary certification to an applicant who meets the requirements of subparagraph 1. Between meetings of the Physician Assistant Committee, the executive director of the board may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the Physician Assistant Committee and the board. The temporary certificate shall expire upon receipt and notice of scores to the certificateholder from the first available examination specified in subparagraph 1. following certification by the board. An applicant who fails the proficiency examination is no longer temporarily certified and is ineligible for any further temporary certification.

3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered, in a manner determined by the department, no sooner than 9 months after the effective date of this act. Subsequent examinations shall be administered at 6-month intervals after the reporting of the scores of the first examination. The department may develop, contract for development, purchase, or approve an examination, including a practical component, pursuant to this paragraph that adequately measures an applicant's ability to practice with reasonable skill and safety. The department may purchase from a national organization an examination approved by the board for use in this state. The examination shall have been previously validated and administered in its totality. The minimum passing score on the examination shall be established by the department, with the advice of the board. However, if the exam is purchased but the board shall not require an examination passing score to be higher than the passing score for certification established by the National Commission on Certification of Physician Assistants for each particular examination, nor shall the method of scoring such examinations differ from that of said commission and defined in rules of the board. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the examination. If an applicant fails the examination five times, the applicant is no longer eligible for reexamination. Any applicant who fails the examination is not eligible for reexamination under this paragraph. Any applicant who passes the examination and meets the requirements of this section shall be certified as a physician assistant with all rights defined thereby.

(c) The certification must be renewed on a biennial basis. Each renewal shall include:

1. A renewal fee not to exceed \$500 as set by the board.
2. A sworn statement of no felony conviction in the previous 2 years.

~~Any certificate which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such certificate may be reactivated only if the certificateholder meets the other qualifications for the reactivation of an inactive certificate as prescribed in subsection (9). Sixty days prior to the end of the biennium and automatic reversion of a certificate to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the certificateholder.~~

(f) Notwithstanding the provisions of subparagraph (a)2., the board may grant to a recent graduate of an approved program, as specified in subsection (6), temporary certification to expire upon receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants. Between meetings of the Physician Assistant Committee, the executive director of the board may grant temporary certification to practice based on the completion of all temporary certification requirements. All such administratively issued certifications shall be reviewed and acted on at the next regular meeting of the Physician Assistant Committee and the board. The recent graduate may be certified prior to employment, but must comply with the requirements of paragraph (e). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified, but may reapply for a 1-year extension of temporary certification. If an applicant fails the examination five three times, he is no longer eligible for certification.

(h) A physician assistant who has held a certificate issued under chapter 459 for a minimum of 6 months shall be certified pursuant to this chapter if:

1. The physician assistant applies to the department for certification by the board pursuant to this chapter and pays an application fee, established by board rule, which may not exceed \$150.
2. The physician assistant is not currently under discipline or charged with or under investigation for a disciplinary violation pursuant to chapter 455 or chapter 459 or under investigation in any jurisdiction for an action that would constitute a violation of this chapter, chapter 455, or chapter 459.
3. The physician assistant holds a full, rather than a temporary, certificate issued pursuant to chapter 459.

After the physician assistant is certified by the board and pays the initial certification fee, the department shall issue the certificate. The certificateholder shall thereafter comply with requirements of this chapter and chapter 455 and the rules adopted thereunder.

(9) INACTIVE STATUS.—

(a) ~~A certificate which has become inactive may be reactivated pursuant to s. 458.347 upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a certificate. The continuing education requirements for reactivating a certificate shall not be less than 50 continuing medical education hours for each year the certificate was inactive. The board shall, by rule, determine the length of time, not less than 4 years or more than 6 years, within which an inactive certificate may be reactivated. However, an inactive certificate which is not reactivated within that time shall automatically expire. Once a certificate expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the certificate, the department shall give notice to the certificateholder.~~

(b) ~~The board shall promulgate rules relating to certificates which have become inactive and for the reactivation of inactive certificates, including criteria an applicant must meet in order to activate an inactive certificate which has not expired. The board shall prescribe by rule a fee not to exceed \$500 for the reactivation of an inactive certificate.~~

(9)(10) PENALTY.—Any person who has not been certified by the board and approved by the department and who holds himself out as a physician assistant or who uses any other term in indicating or implying that he is a physician assistant commits is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084 or by a fine not exceeding \$5,000.

(10)(11) **DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATION.**—The board may deny, suspend, or revoke a physician assistant certification if the board determines that a physician assistant has violated any provision of this chapter.

(11)(12) **RULES.**—The board shall adopt rules to implement this section, including rules detailing the contents of the application for certification and notification pursuant to subsection (7) and rules necessary to ensure both the continued competency of physician assistants and the proper utilization of them by physicians or ~~groups~~ ~~group~~ of physicians.

(12)(13) **EXISTING PROGRAMS.**—This section shall not be construed to eliminate or supersede existing laws relating to other paramedical professions or services and is supplemental to all such existing laws relating to the certification and practice of paramedical professions.

(13)(14) **LIABILITY.**—Each supervising physician using a physician assistant is liable for any acts or omissions of the physician assistant acting under his supervision and control.

Section 24. Effective upon this act becoming a law, subsections (2) and (6), paragraph (e) of subsection (4), and paragraph (f) of subsection (7) of section 459.022, Florida Statutes, are amended, and paragraph (g) is added to subsection (7) of said section, to read:

459.022 Physician assistants.—

(2) **DEFINITIONS.**—As used in this section:

(a) “Board” means the Board of Osteopathic Medicine.

(b) “Department” means the Department of *Business and Professional Regulation*.

(c) “Approved program” means a program for the education of physician assistants which has been formally approved by the board.

(d) “Trainee” means a person who is currently enrolled in an approved program.

(e) “Physician assistant” means a person who is a graduate of an approved program or its equivalent or meets standards approved by the board and is certified to perform medical services delegated by the supervising osteopathic physician.

(f) “Supervision” means responsible supervision and control. Except in cases of emergency, supervision shall require the easy availability or physical presence of the licensed osteopathic physician for consultation and direction of the actions of the physician assistant. For the purposes of this definition, the term “easy availability” shall include the ability to communicate by way of telecommunication by means and under circumstances approved by the board by rule. The board shall further establish rules as to what constitutes reasonable supervision of the physician assistant.

(g) “Proficiency examination” means an entry-level examination approved by the board, including, but not limited to, those examinations administered by the National Commission on Certification of Physician Assistants.

(h) “Continuing medical education” means courses recognized and approved by the board, the American Academy of Physician Assistants, the American Osteopathic Association, or the Accreditation Council on Continuing Medical Education.

(4) **PERFORMANCE OF PHYSICIAN ASSISTANTS.**—

(e) A supervisory osteopathic physician may delegate to a fully certified ~~osteopathic~~ physician assistant the authority to prescribe any medication used in the supervisory osteopathic physician's practice, if such medication is listed on the formulary created pursuant to s. 458.347. A fully certified ~~osteopathic~~ physician assistant may only prescribe such medication under the following circumstances:

1. A ~~An osteopathic~~ physician assistant must clearly identify to the patient that he is a ~~an osteopathic~~ physician assistant. Furthermore, the ~~osteopathic~~ physician assistant must inform the patient that the patient has the right to see the osteopathic physician prior to any prescription being prescribed by the ~~osteopathic~~ physician assistant.

2. The supervisory osteopathic physician must notify the board of such intent to delegate, on a board-approved form, before delegating such authority and with each certification renewal application filed by the ~~osteopathic~~ physician assistant.

3. The ~~osteopathic~~ physician assistant must file with the board, before commencing to prescribe, evidence that he has completed a continuing medical education course of at least 3 classroom hours in prescriptive practice, conducted by an accredited program approved by the board, which course covers the limitations, responsibilities, and privileges involved in prescribing medicinal drugs. Evidence of completion of an additional 3-hour course during the certificate period must be submitted by a ~~an osteopathic~~ physician assistant with each certification renewal application.

4. The ~~osteopathic~~ physician assistant must file with the board, before commencing to prescribe, evidence that the ~~osteopathic~~ physician assistant has a minimum of 3 months of clinical experience in the specialty area of the supervising osteopathic physician.

5. The ~~osteopathic~~ physician assistant must file with the board evidence that he has completed a minimum of 10 continuing medical education hours in the specialty practice in which the ~~osteopathic~~ physician assistant has prescriptive privileges with each certification renewal application.

6. The board shall issue certification and a prescriber number to the ~~osteopathic~~ physician assistant granting authority for the prescribing of medicinal drugs authorized within this paragraph upon completion of the foregoing requirements.

7. The prescription must be written in a form which complies with chapter 499 and must contain, in addition to the supervisory osteopathic physician's name, address, and telephone number, the ~~osteopathic~~ physician assistant's prescriber number. The prescription must be filled in a pharmacy permitted under chapter 465, and must be dispensed in that pharmacy by a pharmacist licensed under chapter 465. The appearance of the prescriber number shall create a presumption that the ~~osteopathic~~ physician assistant is authorized to prescribe the medicinal drug and the prescription is valid.

8. The ~~osteopathic~~ physician assistant must note the prescription in the appropriate medical record, and the supervisory osteopathic physician must review and sign each notation. For dispensing purposes only, the failure of the supervisory osteopathic physician to comply with these requirements shall not affect the validity of the prescription.

9. This paragraph does not prohibit a supervisory osteopathic physician delegating to a ~~an osteopathic~~ physician assistant the authority to order medication for a hospitalized patient of the supervisory osteopathic physician.

The board shall adopt the formulary required by s. 458.347 by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days from the date it is filed with the Secretary of State. Upon adoption of the formulary required by s. 458.347, and upon each addition, deletion, or modification to the formulary by the committee, the board shall mail a copy of such formulary to each fully certified ~~osteopathic~~ physician assistant licensed pursuant to this chapter. The board shall establish by rule a fee not to exceed \$200 to fund the provisions of this paragraph. Nothing in this paragraph shall apply to facilities licensed pursuant to chapter 395.

(6) **PROGRAM APPROVAL.**—

(a) The board shall approve programs for the education and training of physician assistants which meet standards established by board rule.

(b) The board shall adopt and publish standards to ensure that such programs operate in a manner which does not endanger the health and welfare of the patients who receive services within the scope of the program. The board shall review the quality of the curricula, faculties, and facilities of such programs and take whatever other action is necessary to determine that the purposes of this section are being met.

(c) *Any statutory academic requirement for graduate physician assistants to practice may be fulfilled during the education of physician assistants in any accredited physician assistant program. Evidence that this requirement has been met may be attested to by the applicant in affidavit form and in accordance with chapter 455.*

(7) **PHYSICIAN ASSISTANT CERTIFICATION.**—

(f) Notwithstanding the provisions of subparagraph (a)2., the board may grant temporary certification to a recent graduate of an approved program to expire upon receipt of scores of the proficiency examination

administered by the National Commission on Certification of Physician Assistants. Between meetings of the board, the Physician Assistant Committee may grant temporary certification to practice to physician assistant applicants based on the completion of all temporary certification requirements. All such issued certifications shall be reviewed and acted on at the next regular meeting of the board. The recent graduate may be certified prior to employment but must comply with the provisions of paragraph (d). An applicant who has passed the proficiency examination may be granted permanent certification. An applicant failing the proficiency examination is no longer temporarily certified but may reapply for a 1-year extension of temporary certification. If an applicant fails the examination ~~five~~ *three* times, he is no longer eligible for certification.

(g) *A physician assistant who has held a certificate issued under chapter 458 for a minimum of 6 months shall be certified pursuant to this chapter if:*

1. *The physician assistant applies to the department for certification by the board pursuant to this chapter and pays an application fee, established by board rule, which may not exceed \$150.*

2. *The physician assistant is not currently under discipline or charged with or under investigation for a disciplinary violation pursuant to chapter 455 or chapter 458 or under investigation in any jurisdiction for an action that would constitute a violation of this chapter, chapter 455, or chapter 458.*

3. *The physician assistant holds a full, rather than a temporary, certificate issued pursuant to chapter 458.*

After the physician assistant is certified by the board and pays the initial certification fee, the department shall issue the certificate. The certificateholder shall thereafter comply with requirements of this chapter and chapter 455 and the rules adopted thereunder.

Section 25. Paragraph (d) of subsection (3) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(3) DEFINITIONS.—As used in this section, the term:

(d) "Health care provider" or "provider" means:

1. A birth center licensed under chapter 383.
2. An ambulatory surgical center licensed under chapter 395.
3. A hospital licensed under chapter 395.
4. A physician licensed, or physician assistant certified, under chapter 458.
5. An osteopathic physician licensed, or a ~~osteopathic~~ *osteopathic* physician assistant certified, under chapter 459.
6. A chiropractic physician licensed under chapter 460.
7. A podiatrist licensed under chapter 461.
8. An optometrist licensed under chapter 463.

9.8. A registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464 or any facility which employs nurses licensed or registered under chapter 464 to supply all or part of the care delivered under this section.

10. A dentist or dental hygienist licensed, or a dental assistant regulated, under chapter 466.

11.9. A midwife licensed under chapter 467.

12.10. A health maintenance organization certificated under part I of chapter 641.

13.11. A health care professional association and its employees or a corporate medical group and its employees.

14.12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.

15.13. Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor.

The term includes any nonprofit corporation qualified as exempt from federal income taxation under s. 501(c) of the Internal Revenue Code which delivers health care services provided by licensed professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.

Section 26. Section 459.007, Florida Statutes, is amended to read:

459.007 Licensure by endorsement.—Any person desiring to be licensed by endorsement shall:

(1) Have successfully completed a resident internship of not less than 12 months in a hospital approved for this purpose by the Board of Trustees of the American Osteopathic Association or any other internship program approved by the board upon a showing of good cause by the applicant.

(2) Be a graduate of a college recognized and approved by the American Osteopathic Association.

(3) Have passed all parts of the examination conducted by the National Board of Osteopathic Medical Examiners or other substantially similar examination approved by the board, or

(4) be the holder of a valid, active license to practice osteopathic medicine in at least one jurisdiction in the United States in which the current requirements for licensure are equivalent to or more stringent than those in this state.

(4)(5) Have actively and continuously engaged in the practice of osteopathic medicine for the period of time after being initially licensed to practice osteopathic medicine in another jurisdiction, which initial licensure shall have occurred no more than 5 years after the applicant obtained a passing score on the examination conducted by the National Board of Osteopathic Medical Examiners or other substantially similar examination previously approved by the board prior to submission of the application for licensure by endorsement; however, such practice of osteopathic medicine may have been interrupted for a period totaling no more than 2 years or for a longer period of time if the board determines that the interruption of the osteopathic physician's practice of osteopathic medicine for such longer period has not adversely affected the osteopathic physician's present ability and fitness to practice osteopathic medicine.

(5)(6) Meet all of the requirements of s. 459.0055.

Section 27. Subsection (4) is added to section 459.011, Florida Statutes, to read:

459.011 Privileges and obligations of osteopathic physicians.—

(4)(a) *For the purposes of this subsection, "licensee" means a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459.*

(b) *It is the policy of this state that osteopathic physicians licensed under chapter 459 be accorded equal professional status and privileges as physicians licensed under chapter 458.*

(c) *Notwithstanding any other provision of law, no health-related entity subject to licensure under chapter 395 or chapter 408, no health care service plan, nonprofit hospital service plan, policy of disability insurance, or self-insured employer welfare benefit plan, and no agency of the state or any city, county, district, or other political subdivision of the state shall discriminate with respect to employment, staff privileges, or the provision of, or contracts for professional services against, a licensee on the basis of whether the licensee is licensed under chapter 458 or chapter 459. This subsection may not be construed to require a disability insurer health care service plan or hospital service plan to employ, offer staff privileges, or contract for professional services with a class of licensees who are licensed under chapter 458 or chapter 459. However, this paragraph does not prohibit a school of allopathic medicine or a school of osteopathic medicine from employing a licensee as an instructor on the basis of whether the licensee holds a degree as a Doctor of Medicine or as a Doctor of Osteopathy, where the subject matter to be taught specifically requires allopathic or osteopathic training and experience.*

(d) Whenever the health facility staffing requirements for staff or department privileges mandate that the licensee who has been granted privileges be certified by an approved specialty board of the American Board of Medical Specialists, that position must be made available on an equal basis to a licensee who has achieved certification by an equivalent board of the American Osteopathic Association.

(e) Whenever an entity that contracts with licensees to provide managed care or risk-based care requires that the licensee who is responsible for the contract be certified by the American Board of Medical Specialists, the contract reference to the American Board of Medical Specialists shall be construed to also include the American Osteopathic Association when the contracting licensee is an osteopathic physician.

(f) Nothing in this subsection shall preclude an entity from establishing controls that are designed to ensure the achievement and maintenance of high standards of professional and ethical practices, including a provision that all members of the licensee's staff be required to demonstrate their ability to perform surgical and other procedures competently and to the satisfaction of an appropriate committee or committees at the time of original application for appointment and at least every 2 years thereafter.

(g) No health facility may adopt written bylaws in accordance with legal requirements that in any way are construed to circumvent the intent of the Legislature or any other nondiscriminatory provisions contained in either chapter 458 or chapter 459.

(h) No entity that contracts with licensees to provide managed care or risk-based care may adopt written bylaws in accordance with legal requirements that in any way are construed to circumvent the intent of the Legislature or any other nondiscriminatory provisions contained in either chapter 458 or chapter 459.

Section 28. Paragraphs (c), (d), and (e) of subsection (1) and subsection (2) of section 460.406, Florida Statutes, are amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed \$100 which shall be nonrefundable. There shall also be an examination fee not to exceed \$500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(c) Submitted proof satisfactory to the department that he is a graduate of a chiropractic college which is accredited by, or has status with the Council on Chiropractic Education ~~an agency or its predecessor agency successor which is recognized and approved by, the U.S. Office of Education and the Council on Postsecondary Accreditation.~~ No application for a license to practice chiropractic shall be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic as distinguished from another.

(d) Completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an accrediting agency recognized and approved by the U.S. Department of Education. However, each applicant who has matriculated after July 1, 1990, in a chiropractic college shall have been granted, prior to being certified by the board to sit for the examination, a bachelor's degree based on 4 academic years of study separate from the degree of chiropractic by a college or university accredited by a regional accrediting agency which is a member of the Commission on Recognition of Postsecondary Accreditation ~~recognized and approved by the Department of Education.~~

(e) Completed not less than a 3-month training program in this state of not less than 300 hours with a chiropractic physician licensed in this state. The chiropractic physician candidate may perform all services offered by the licensed chiropractic physician, but must be under the supervision of the licensed chiropractic physician until the results of the first licensure examination for which the candidate has qualified have been received, at which time the candidate's training program shall be terminated. However, an applicant who has practiced chiropractic in any other ~~another~~ state, territory, or jurisdiction of the United States or any

foreign national jurisdiction for at least 5 years as a licensed chiropractic physician need not be required to complete the 3-month training program as a requirement for licensure.

(2) For those applicants applying for certification examinations who have matriculated prior to July 1, 1996, in a chiropractic college, the board shall waive the provisions of paragraph (1)(c) if the applicant is a graduate of a chiropractic college which has been denied accreditation or approval on the grounds that its curriculum does not include all of, or is deficient in, the subjects necessary for the completion of the certification examinations or is a graduate of a chiropractic college where such subjects are not taught or offered if the college is accredited by or has status with the Council on Chiropractic Education or its predecessor ~~an accrediting agency which is recognized and approved by the U.S. Department of Education and the Council on Postsecondary Accreditation.~~

Section 29. Effective upon this act becoming a law, section 460.4061, Florida Statutes, is created to read:

460.4061 Restricted license.—

(1) An applicant for licensure as a chiropractic physician may apply to the department for a restricted license without undergoing a state or national written or clinical competency examination for licensure if the applicant initially applies not later than October 31, 1994, for the restricted license and:

(a) Holds a degree from a college of chiropractic accredited by the Council on Chiropractic Education or its predecessor agency and holds a bachelor's degree.

(b) Has continuously held, since 1979, a license to practice as a chiropractic physician in another state, territory, or national jurisdiction and has actively practiced as a chiropractic physician for the 5 years immediately preceding application.

(c) Has never been disciplined for an offense that would be a violation under this chapter or chapter 455, imposed by another jurisdiction on the applicant's license to practice as a chiropractic physician.

(d) Provides a completed application on forms approved by the department and pays all application and licensure fees applicable to applicants for licensure by examination, except the examination fee itself.

(2) Before granting a restricted license, the board may require an applicant to appear before the board. The board may not require a restricted licensee to practice under the direct supervision of a full licensee. However, the board may impose reasonable restrictions on the applicant's license to practice as a chiropractic physician in this state. These restrictions include, but are not limited to, requiring a restricted licensee to:

(a) Submit to periodic and random departmental audits of the licensee's patients' treatment records and review of those records by the board.

(b) Subsequently appear before the board.

(c) Submit written reports to the department and board.

(3) A restricted licensee shall meet all statutory and regulatory requirements that are not in conflict with this section and that are imposed on a full licensee.

(4) A restricted licensee shall, if a disciplinary action against the licensee is not pending before the department and the licensee is not under discipline by the board, become a full licensee upon expiration of the 2-year restricted license if the licensee pays all applicable fees.

Section 30. Paragraph (b) of subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 hours of continuing education.

(b) ~~Except as permitted in paragraph (a),~~ The board shall approve only those courses that sponsored by a college or university accredited by, or having status with an accrediting agency approved by, the U.S. Office of Education or sponsored by the Florida Chiropractic Association, provided that the courses are taught by persons on the graduate or postgraduate faculty of such an accredited college or university and the courses build upon the basic courses required for the practice of chiropractic, and the board may also approve courses in adjunctive modalities.

Section 31. (1) Any license that automatically became void pursuant to section 460.407, Florida Statutes (1989), as amended by section 2 of chapter 90-25, Laws of Florida, may be reinstated within 60 days after the effective date of this section and upon payment of a reinstatement fee of \$500 and compliance with continuing education requirements for each year required by section 460.408, Florida Statutes. Any such license shall be renewed effective back to the date the license became void.

(2) This section shall take effect upon this act becoming a law.

Section 32. Section 461.0055, Florida Statutes, is created to read:

461.0055 Investigation of applicant qualifications.—The department and the board shall ascertain whether applicants meet the licensure criteria in this chapter through an investigative process. When the investigative process is not completed within the time set out in s. 120.60(2) and the department or board has reason to believe that the applicant does not meet the criteria, the secretary or his designee may issue a 90-day licensure delay, which shall be in writing and sufficient to notify the applicant of the reason for the delay. The provisions of this subsection shall control over any conflicting provisions of s. 120.60(2).

Section 33. Section 461.011, Florida Statutes, is created to read:

461.011 Sexual misconduct in the practice of podiatric medicine.—The podiatrist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of podiatric medicine means violation of the podiatrist-patient relationship through which the podiatrist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of podiatric medicine is prohibited.

Section 34. Paragraph (bb) is added to subsection (1) of section 461.013, Florida Statutes, and paragraphs (b) and (j) of subsection (1) and paragraphs (d) and (f) of subsection (2) of that section are amended, to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(b) Having a license to practice podiatric medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. *The licensing authority's acceptance of a podiatrist's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the podiatrist's license, shall be construed as action against the podiatrist's license.*

(j) Making misleading, deceptive, untrue, or fraudulent representations in or related to the practice of podiatric medicine or employing a trick or scheme in or related to the practice of podiatric medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the podiatric community.

(bb) Failing to report to the board, in writing, within 30 days if any action under paragraph (b) has been taken against one's license to practice in another jurisdiction.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(d) Imposition of an administrative fine not to exceed \$5,000 \$1,000 for each count or separate offense.

(f) Placing the podiatrist on probation for a period of time and subject to such conditions as the board may specify, ~~including requiring the podiatrist to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatrist.~~

Section 35. For the purpose of incorporating the amendments to sections 461.013 and 466.028, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

320.0848 Disabled persons; issuance of exemption parking permits; temporary permits; permits for certain providers of transportation services to persons with disabilities.—

(7) A violation of this section shall be grounds for disciplinary action pursuant to s. 458.331, s. 459.015, s. 460.413, or s. 461.013, as applicable.

455.236 Financial arrangements between referring health care providers and providers of health care services.—

(4) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to the rules adopted by the Department of Health and Rehabilitative Services pursuant to s. 395.0185(2).

461.006 Licensure by examination.—

(2)

(c) The department shall not issue a license to any applicant who is under investigation by any governmental entity for an offense which would constitute a violation of this act. Upon the completion of the investigation, the provisions of s. 461.013 shall apply.

766.111 Engaging in unnecessary diagnostic testing; penalties.—

(2) A violation of this section shall be grounds for disciplinary action pursuant to s. 458.331, s. 459.015, s. 460.413, s. 461.013, or s. 466.028, as applicable.

Section 36. Section 461.018, Florida Statutes, is created to read:

461.018 Limited scope of practice; area of need.—Those persons holding valid certificates on October 1, 1991, who were certified pursuant to chapters 88-205 and 88-392, Laws of Florida, and who have been practicing under a board-approved protocol for at least 2 years are eligible to receive a license to practice without supervision under their present limited scope of practice of the nonsurgical treatment of corns, calluses, and ingrown toenails in a specially designated area of need as provided by rule of the board.

Section 37. Section 461.019, Florida Statutes, is created to read:

461.019 Podiatric medical faculty certificate.—

(1) A podiatric medical faculty certificate may be issued without examination to an individual who:

(a) Is a graduate of an accredited podiatric medical school;

(b) Holds a valid, current license to practice podiatric medicine in another jurisdiction of the United States;

(c) Meets the requirements of s. 461.006; and

(d) Remits a nonrefundable application fee not to exceed \$100.

(2) The certificate shall authorize the holder to practice only in conjunction with his faculty position at an accredited podiatric medical school. Such certificate shall automatically expire when the holder's relationship with the school is terminated or after a period of 24 months, whichever occurs sooner, and is not renewable.

(3) Notwithstanding the provisions of subsection (2), a podiatric medical faculty certificate is renewable every 2 years by a holder who applies to the department on a form prescribed by the department, pays a nonrefundable fee to be determined by rule of the board not to exceed \$250, and:

(a) Is currently licensed to practice podiatric medicine in another jurisdiction in the United States;

(b) Has been offered and has accepted a full-time faculty appointment to teach in a program at an approved school of podiatric medicine and surgery in Florida; and

(c) Provides certification by the dean of the university offering such appointment that the holder is a distinguished podiatric medical scholar and an outstanding practicing physician.

(4) The recipient of a renewal certificate may engage in the practice of podiatric medicine and surgery to the extent that such practice is a necessary part of his duties in connection with his faculty position in his podiatry school.

Section 38. Paragraph (b) of subsection (1) of section 463.006, Florida Statutes, is amended to read:

463.006 Licensure and certification by examination.—

(1) Any person desiring to be a licensed practitioner pursuant to this chapter shall apply to the department to take the licensure and certification examinations. The department shall examine each applicant who the board determines has:

(b) Submitted proof satisfactory to the department that he:

1. Is at least 18 years of age.
2. Has graduated from an accredited school or college of optometry approved by rule of the board.
3. Is of good moral character.
4. Has successfully completed at least 110 hours of transcript-quality coursework and clinical training in general and ocular pharmacology as determined by the board, at an institution that:

a. Has facilities for both didactic and clinical instructions in pharmacology; and

b. Is accredited by a regional or professional accrediting organization that is recognized and approved by the *Commission on Recognition of Council on Postsecondary Accreditation* or the United States Department of Education.

5. Has completed at least 1 year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of the optometric experience.

Section 39. Subsections (1) and (2) of section 464.004, Florida Statutes, are amended to read:

464.004 Board of Nursing; membership; appointment; terms.—

(1) The Board of Nursing is created within the Department of Business and Professional Regulation and shall consist of ~~thirteen~~ **nine** members to be appointed by the Governor and confirmed by the Senate.

(2) ~~Seven~~ **Five** members of the board must be registered nurses who are residents of this state and who have been engaged in the practice of professional nursing for at least 4 years, including at least one advanced registered nurse practitioner, ~~one nurse educator member of an approved program, and one nurse executive.~~ These ~~seven~~ **five** board members should be representative of the diverse areas of practice within the nursing profession. In addition, ~~three~~ **two** members of the board must be licensed practical nurses who are residents of this state and who have been actively engaged in the practice of practical nursing for at least 4 years prior to their appointment. The remaining ~~three~~ **two** members must be residents of the state who have never been licensed as nurses and who are in no way connected with the practice of nursing. No person may be appointed as a lay member who is in any way connected with, or has any financial interest in, any health care facility, agency, or insurer. At least one member of the board must be 60 years of age or older.

Section 40. Section 464.005, Florida Statutes, is amended to read:

464.005 Board headquarters; executive director.—The board shall maintain its official headquarters in the city in which it has been domiciled for the past 5 years. *The Board of Nursing, regulating in excess of 200,000 licensees and being responsible for approving schools of nursing, shall have as its executive director a registered nurse.*

Section 41. Paragraph (b) of subsection (1) of section 464.008, Florida Statutes, is amended to read:

464.008 Licensure by examination.—

(1) Any person desiring to be licensed as a registered nurse or licensed practical nurse shall apply to the department to take the licensure examination. The department shall examine each applicant who:

(b) Has provided sufficient information ~~on or after October 1, 1989,~~ which must be submitted by the department for a statewide criminal rec-

ords correspondence check through the Department of Law Enforcement. *The applicant is responsible for the fee required by the Department of Law Enforcement.*

Section 42. Subsections (3) and (4) of section 464.015, Florida Statutes, are amended to read:

464.015 Titles and abbreviations; restrictions; penalty.—

(3) Only persons who are graduates of approved programs or the equivalent may use the term "Graduate Nurse" and the abbreviation "G.N.," pending the results of the first licensure examination for which they *sit or for a period not to exceed 180 days, whichever is shorter* ~~are~~ **eligible.**

(4) Only persons who are graduates of approved programs or the equivalent may use the term "Graduate Practical Nurse" and the abbreviation "G.P.N.," pending the results of the first licensure examination for which they *sit or for a period not to exceed 180 days, whichever is shorter* ~~are~~ **eligible.**

Section 43. Subsections (3) and (4) of section 464.022, Florida Statutes, are amended, subsections (10) and (11) are renumbered as subsections (11) and (12), respectively, and new subsections (10) and (13) are added to said section, to read:

464.022 Exceptions.—No provision of this chapter shall be construed to prohibit:

(3) The practice of nursing by students enrolled in approved schools of nursing *or students in postbasic or graduate nursing studies in a non-clinical setting.*

(4) The practice of nursing by graduates of approved programs or the equivalent, pending the result of the first licensing examination for which they ~~are eligible~~ **following graduation or for a period not to exceed 180 days, whichever is shorter,** provided they practice under direct supervision of a registered professional nurse. The board shall by rule define what constitutes direct supervision.

(10) *The rendering of nonclinical consultative services by out-of-state nurses properly licensed and in good standing in another state.*

(13) *The practice of nursing by any legally qualified nurse of another state whose employment requires the nurse to accompany and care for a patient temporarily residing in this state for not more than 30 consecutive days, provided that the patient is not in an inpatient setting, that the board is notified prior to arrival of the patient and nurse, that the nurse has the standing orders and current medical status of the patient available, and that prearrangements with the appropriate licensed health care providers in this state have been made in case the patient needs placement in an inpatient setting.*

Section 44. Subsection (12) of section 465.003, Florida Statutes, is amended, present subsections (7) through (13) of that section are redesignated as subsections (8) through (14), respectively, and a new subsection (7) is added to that section, to read:

465.003 Definitions.—As used in this chapter, the term:

(7) *"Kidney dialysis home health care system" means a service network to deliver home dialysis solutions and supplies directly to patients with chronic kidney failure. Such system shall comply with all applicable provisions of this chapter and chapter 499. This system relates only to the delivery of dialysis solutions and supplies and does not include the administration of home dialysis solutions and supplies which are subject to licensure under part IV of chapter 400.*

(13)(12) "Practice of the profession of pharmacy" includes compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; ~~and consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and other related cognitive services.~~ The phrase also includes any other act, service, operation, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, and shall expressly permit a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients. *A pharmacist performing one or more services defined in this subsection shall be eligible for reimbursement pursuant to agreement with any payor.*

Section 45. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to non-licensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(13)(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his supervision. No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than two pharmacy technicians.

Section 46. Paragraph (c) of subsection (2) of section 465.015, Florida Statutes, is amended to read:

465.015 Violations and penalties.—

(2) It is unlawful for any person:

(c) To sell or dispense drugs as defined in s. 465.003(8)(7) without first being furnished with a prescription.

Section 47. Subsection (19) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.—As used in ss. 499.001-499.081, the term:

(19) "Legend drug," "prescription drug," or "medicinal drug" means any drug, including, but not limited to, finished dosage forms, or active ingredients subject to, defined by, or described by s. 503(b) of the Federal Food, Drug, and Cosmetic Act or s. 465.003(8)(7), s. 499.007(12), or s. 499.0122(1)(b) or (c).

Section 48. Effective upon this act becoming a law, section 465.0075, Florida Statutes, is created to read:

465.0075 Licensure of certain foreign-trained pharmacists.—Notwithstanding ss. 455.218 and 465.007(1)(b)2., a graduate of a 4-year undergraduate pharmacy program of a school or college of pharmacy located outside the United States, who has been a resident of this state for a continuous period of at least 1 year as of January 1, 1992, and has submitted proof to the department that he has practiced pharmacy in his country of origin for at least 1 year or has been employed as a pharmacy technician in a permitted pharmacy in this state, is eligible, upon the filing of the application and payment of the fees required by s. 465.007(1)(a), to take the licensure examination. This section expires July 1, 1995.

Section 49. Section 465.0105, Florida Statutes, is created to read:

465.0105 Pharmacy specialist certificate.—

(1) A pharmacy specialist certificate may be issued without examination to an individual who:

(a) Is the recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Department of Education.

(b) Holds a valid, current license to practice pharmacy in another state.

(c) Meets the requirements of s. 465.007(1)(a) and (b) and the requirements of ss. 465.008 and 465.009, if applicable.

(2) The certificate shall authorize the holder to practice only in conjunction with a school or college of pharmacy and its affiliated clinics or teaching hospitals which are registered with the board as sites at which holders of pharmacy specialist certificates will be practicing. Such certificate shall automatically expire when the holder's relationship with the school or college is terminated or after a period of 24 months, whichever occurs sooner, and is not renewable.

(3)(a) Notwithstanding the provisions of subsection (2), a pharmacy specialist certificate is renewable every 2 years by a holder who applies to the board on a form prescribed by the board.

(b) The recipient of a renewal certificate may engage in the practice of pharmacy to the extent that such practice is a necessary part of his duties in connection with his faculty position in the school or college and its affiliated clinics and teaching hospitals which are registered with the board as sites at which holders of pharmacy specialist certificates will be practicing.

Section 50. Section 465.0125, Florida Statutes, is amended to read:

465.0125 Consultant pharmacist license; application, renewal, fees; responsibilities.—

(1) The department shall issue or renew a consultant pharmacist license upon receipt of an initial or renewal application which conforms to the requirements for consultant pharmacist initial licensure or renewal as promulgated by the board by rule and a fee set by the board not to exceed \$250. The consultant pharmacist shall be responsible for maintaining all drug records required by law and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist may also be responsible for ordering and evaluating any laboratory or clinical testing when, in the judgment of the consultant pharmacist, such activity is necessary for the proper performance of the consultant pharmacist's responsibilities. Such laboratory or clinical testing may be ordered only with regard to patients residing in a nursing home facility, and then only when authorized by the medical director of the nursing home facility. The consultant pharmacist must have completed such additional training and demonstrate such additional qualifications in the practice of institutional pharmacy as shall be required by the board of Pharmacy in addition to licensure as a registered pharmacist. ~~The board shall promulgate rules necessary to implement and administer this section.~~

(2) *Notwithstanding the provisions of subsection (1), a consultant pharmacist or a Doctor of Pharmacy may also be responsible for ordering and evaluating any laboratory or clinical testing for persons under the care of a licensed home health agency when, in the judgment of the consultant pharmacist or Doctor of Pharmacy, such activity is necessary for the proper performance of his or her responsibilities and only when authorized by the person's physician. In order for the consultant pharmacist or Doctor of Pharmacy to qualify and accept this authority, he or she shall receive 3 hours of continuing education relating to laboratory and clinical testing as established by the board.*

(3) *The board shall promulgate rules necessary to implement and administer this section.*

Section 51. Subsection (1) of section 465.0156, Florida Statutes, is amended to read:

465.0156 Registration of nonresident pharmacies.—

(1) Any pharmacy which is located outside this state and which ships, mails, or delivers, in any manner, a dispensed medicinal drug into this state shall be considered a nonresident pharmacy, shall be registered with the board, provide pharmacy services at a high level of protection and competence, and disclose to the board the following specific information:

(a) That it maintains at all times a valid, unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of the state in which the dispensing facility is located and from which the medicinal drugs shall be dispensed;

(b) The location, names, and titles of all principal corporate officers and the pharmacist who serves as the prescription department manager for all pharmacists who are dispensing medicinal drugs to residents of this state. This disclosure shall be made on a biennial ~~an annual~~ basis with permit renewal and within 10 ~~30~~ days after any change of office location, corporate officer, or pharmacist serving as the prescription department manager for dispensing medicinal drugs to residents of this state;

(c) That it complies with all lawful directions and requests for information from the regulatory or licensing agency of all states in which it is licensed as well as with all requests for information made by the board pursuant to this section. It shall respond directly to all communications from the board concerning emergency circumstances arising from errors in the dispensing of medicinal drugs to the residents of this state;

(d) That it maintains its records of medicinal drugs dispensed to patients in this state so that the records are readily retrievable from the other business records of the pharmacy and from the records of other medicinal drugs dispensed; and

(e) That during its regular hours of operation but not less than 6 days per week, for a minimum of 40 hours per week, a toll-free telephone service shall be provided to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number must be disclosed on the label affixed to each container of dispensed medicinal drugs.

Section 52. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits; *special nonprofit pharmacies*.—

(1) Any person desiring a permit to operate a pharmacy which does not fall within the definitions set forth in s. 465.003(1)(19)(a), (b), and (c) shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. No permit shall be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for such duties.

(2) *Any person desiring to operate a kidney dialysis home health care system shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules, the department shall issue the permit. Kidney dialysis home health care systems are limited in scope to the direct delivery of dialysis solutions and supplies to patients with chronic kidney failure by drug wholesalers governed by chapter 499, provided that:*

(a) *A licensed physician has ordered the dialysis solutions and supplies and supervises the patient's care.*

(b) *The patient has been trained in home dialysis therapy.*

(c) *The dialysis solutions and supplies are prepackaged, pre-labeled, and distributed from a source authorized under chapter 499.*

(d) *Distribution within the state shall be under the supervision of a licensed consulting pharmacist licensed under s. 465.0125. The licensed consulting pharmacist shall, as part of his responsibility, prepare and maintain a practice and procedure manual, maintain all dialysis solution and supply records, provide for the security of the area in the facility in which the dialysis solutions and supplies are stored and distributed, and engage in periodic inspections of the facility necessary for the proper performance of the licensed consultant pharmacist's responsibilities. The permittee shall notify the department within 10 days of any change of the licensed consulting pharmacist responsible for such duties.*

(3) *The board shall adopt rules that provide for the operation of special nonprofit pharmacies to dispense prescription drugs to indigent patients.*

Section 53. Subsection (1) of section 465.186, Florida Statutes, is amended to read:

465.186 Pharmacist's order for medicinal drugs; dispensing procedure; development of formulary.—

(1) There is hereby created a committee composed of two members of the Board of Medicine licensed under chapter 458 chosen by said board, one member of the Board of Osteopathic Medicine licensed under chapter 459 chosen by said board, three members of the Board of Pharmacy licensed under this chapter and chosen by said board, and one additional person with a background in health care or pharmacology and two consumers chosen by the committee. The committee shall establish a formulary of medicinal drug products and dispensing procedures which shall be used by a pharmacist when ordering and dispensing such drug products to the public. Dispensing procedures may include matters related to reception of patient, description of his condition, patient interview, patient physician referral, product selection, and dispensing and use limitations. In developing the formulary of medicinal drug products, the committee may include products falling within the following categories:

(a) Any medicinal drug of single or multiple active ingredients in any strengths when such active ingredients have been approved individually or in combination for over-the-counter sale by the U.S. Food and Drug Administration.

(b) Any medicinal drug recommended by the U.S. Food and Drug Administration Advisory Panel for transfer to over-the-counter status pending approval by the U.S. Food and Drug Administration.

(c) Any medicinal drug containing any antihistamine or decongestant as a single active ingredient or in combination.

(d) Any medicinal drug containing fluoride in any strength.

(e) Any medicinal drug containing lindane in any strength.

However, any drug which is sold as an over-the-counter proprietary drug under federal law shall not be included in the formulary or otherwise affected by this section.

Section 54. Section 831.30, Florida Statutes, is amended to read:

831.30 Medicinal drugs; fraud in obtaining.—Whoever:

(1) Falsely makes, alters, or forges any prescription, as defined in chapter 465 ~~s. 465.031(2)~~, for a medicinal drug other than a drug controlled by chapter 893;

(2) Knowingly causes such prescription to be falsely made, altered, forged, or counterfeited; or

(3) Passes, utters, or publishes such prescription or otherwise knowingly holds out such false or forged prescription as true,

with intent to obtain such drug, ~~is shall be~~ guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent conviction ~~constitutes shall constitute~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 55. Subsection (13) is added to section 466.003, Florida Statutes, to read:

466.003 Definitions.—As used in this chapter:

(13) *"Oral and maxillofacial surgery" means the specialty of dentistry involving diagnosis, surgery, and adjunctive treatment of diseases, injuries, and defects involving the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial regions. This term may not be construed to apply to any individual exempt under s. 466.002(1).*

Section 56. Paragraph (a) of subsection (2) of section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.—

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b), and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include nonboard members. All council members shall be appointed by the board chairman. Council members shall be appointed for 4-year terms, and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the chairman of the board and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet twice annually or more often at the request of the board chairman or the council chairman, or with the approval of the secretary of the department. The council shall meet for the purpose of ~~recommending developing proposed rules and policies recommendations~~ to the board on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education.

Section 57. Paragraph (d) is added to subsection (2) of section 466.006, Florida Statutes, to read:

466.006 Examination of dentists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dentistry in this state if he:

(d) *Has not been convicted of, or entered a plea of nolo contendere to, regardless of adjudication, a crime that directly relates to the functions and duties of a dentist or the practice of dentistry.*

Section 58. Paragraph (jj) is added to subsection (1) of section 466.028, Florida Statutes, and paragraph (c) of subsection (2) of that section is amended, to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(jj) *Advertising specialty services in violation of this chapter.*

(2) When the board finds any applicant or licensee guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$5,000 ~~\$3,000~~ for each count or separate offense.

Section 59. For the purpose of incorporating the amendments to sections 466.006 and 466.028, Florida Statutes, in references thereto, section 466.011, Florida Statutes, is reenacted to read:

466.011 Licensure.—The board shall certify for licensure by the department any applicant who satisfies the requirements of s. 466.006 or s. 466.007. The board may refuse to certify an applicant who has violated any of the provisions of s. 466.026 or s. 466.028.

Section 60. Section 466.0282, Florida Statutes, is created to read:

466.0282 Specialties.—

(1) A dentist licensed under this chapter may not hold himself out as a specialist unless the dentist:

(a) Has completed a specialty educational program approved by the American Dental Association and the Commission on Dental Accreditation;

(b) Is eligible for examination by a national specialty board recognized by the American Dental Association;

(c) Is a diplomat of a national specialty board recognized by the American Dental Association; or

(d) Has continuously held himself out as a specialist in a recognized specialty since December 31, 1964.

(2) Notwithstanding the provisions of subsection (1), a dentist may state that his practice is limited to one or more types of specialty services recognized by the American Dental Association when this is true, provided the dentist states whether the service will be performed by a general dentist or a specialist.

Section 61. Effective upon this act becoming a law, section 466.045, Florida Statutes, is created to read:

466.045 Annual accounting of licensure fees collected.—The department shall, by July 1, 1994, develop and maintain an accounting of fees collected for each permit, registration, certificate, and license issued or renewed under this chapter for each year beginning January 1, 1989, and continuing thereafter. The accountings shall show the fees collected for each type of permit, registration, certificate, and license issued or renewed and how those fees were allocated and spent. The department shall provide a copy of the accounting for any year to any person, upon request, pursuant to s. 119.07.

Section 62. Effective upon this act becoming a law, subsections (2) and (8) of section 467.009, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

467.009 Midwifery programs; education and training requirements.—

(2) An approved midwifery program shall include a course of study and clinical training for a minimum of 3 years. If the applicant is a *physician assistant*, registered nurse, or a licensed practical nurse or has previous nursing or midwifery education, the required period of training may be reduced to the extent of the applicant's qualifications, as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than 2 years.

(8) Nonpublic educational institutions that conduct approved midwifery programs must hold full accreditation or provisional accreditation, or be seeking accreditation from, the Commission on Recognition of ~~shall be accredited by a member of the Council on~~ Postsecondary Accreditation and shall be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools.

(9) *Public institutions that conduct approved midwifery training programs must be accredited by one of the regional accrediting associations recognized by the United States Department of Education.*

Section 63. For the purpose of incorporating the amendment to section 467.009, Florida Statutes, in references thereto, subsections (1), (3), and (4) of section 467.205, Florida Statutes, are reenacted to read:

467.205 Approval of midwifery programs.—

(1) An organization desiring to conduct an approved program for the education of midwives shall apply to the department and submit such evidence as may be required to show that it complies with s. 467.009 and with the rules of the department. Any accredited or state-licensed institution of higher learning, public or private, may provide midwifery education and training.

(3) The department shall survey each organization applying for approval. If the department is satisfied that the program meets the requirements of s. 467.009 and rules adopted pursuant to that section, it shall approve the program.

(4) The department shall, at least once every 3 years, certify whether each approved midwifery program complies with the standards developed under s. 467.009.

Section 64. Paragraph (e) is added to subsection (2) of section 468.1115, Florida Statutes, to read:

468.1115 Exemptions.—

(2) The provisions of this part shall not apply to:

(e) *Persons certified by the Council for Accreditation on Occupational Hearing Conservation (CAOHC) who, operating under the scope of that certification, conduct only industrial audiometric testing using Occupational Safety and Health Administration (OSHA) guidelines.*

Section 65. Section 468.1145, Florida Statutes, is amended to read:

468.1145 Fees; establishment; disposition.—

(1) The board, by rule, shall establish fees to be paid for application, examination, reexamination, licensing, ~~and renewal, reactivation, reinstatement, and recordmaking and recordkeeping.~~ The board may also establish, by rule, a *delinquency fee late renewal penalty.* The board shall establish fees that which are adequate to ensure continued operation of the board and to fund the proportionate expenses incurred by the department in carrying out its licensure and other related responsibilities under this part. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of speech-language pathologists and audiologists.

(2) The application fee shall not exceed \$200 and shall be nonrefundable.

(3) The examination fee shall be in an amount which covers the costs of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The combined fees for initial application and examination shall not exceed \$200 plus the actual per applicant cost to the department for developing or procuring the licensure examination.

(4) The initial license fee shall not exceed \$500.

(5) The provisional license fee shall not exceed \$200.

(6) The fee for licensure by endorsement shall not exceed \$500 ~~\$200~~.

(7) The fee for certification as a speech-language pathology assistant or an audiology assistant shall not exceed \$200 ~~\$50~~.

(8) The biennial renewal fee shall not exceed \$500.

(9) The fee for application for an inactive status license or for reactivation of an inactive status license shall not exceed \$200 ~~\$100~~.

(10) All moneys derived from fees and fines imposed pursuant to this part shall be deposited as required by s. 215.37.

Section 66. Section 468.1155, Florida Statutes, is amended to read:

468.1155 Provisional license; requirements.—

(1) A provisional license shall be required prior to initiating the professional employment experience required pursuant to s. 468.1165. Any person desiring a provisional license to practice speech-language pathology or audiology shall apply to the department.

(2) The department shall issue a provisional license to practice speech-language pathology to each applicant whom the board certifies has:

(a) Completed the application form and remitted *the required fees, including a nonrefundable application fee.*

(b) Received a master's degree with a major emphasis in speech-language pathology from an institution of higher learning *recognized and approved which, at the time the applicant was enrolled and graduated, was accredited* by an accrediting agency recognized by the *Commission on Recognition of Council on* Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada shall present documentation of the determination of equivalency *to standards established by an accrediting agency recognized by the Commission on Recognition of programs accredited by the Council on* Postsecondary Accreditation in order to qualify. The applicant *must shall* have completed a total of 60 semester hours *that which* include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; ~~and information about training in management of speech, hearing, and language disorders; and which provide information supplementary to these fields.~~

2. Six semester hours in audiology.

3. Thirty *of the required 60* these semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken. Of these 30 semester hours, 24 semester hours *must shall* be in speech-language pathology.

(c) Completed 300 clock hours of supervised clinical practice with 200 clock hours in the area of speech-language pathology. The supervised clinical practice shall be completed within the training institution or one of its cooperating programs.

(3) The department shall issue a provisional license to practice audiology to each applicant whom the board certifies has:

(a) Completed the application form and remitted *the required fees, including a nonrefundable application fee.*

(b) Received a master's degree with a major emphasis in audiology from an institution of higher learning *recognized and approved which at the time the applicant was enrolled and graduated was accredited* by an accrediting agency recognized by the *Commission on Recognition of Council on* Postsecondary Accreditation or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from a program at a university or college outside the United States or Canada *must shall* present documentation of the determination of equivalency *to standards established by an accrediting agency recognized by the Commission on Recognition of programs accredited by the Council on* Postsecondary Accreditation in order to qualify. The applicant *must shall* have completed a total of 60 semester hours which include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; ~~and information about training in management of speech, hearing, and language disorders; and which provide information supplementary to these fields.~~

2. Six semester hours in speech-language pathology.

3. Thirty *of the required 60* these semester hours ~~shall be~~ in courses acceptable toward a graduate degree by the college or university in which these courses were taken. Of these 30 semester hours, 24 semester hours *must shall* be in audiology.

(c) Completed 300 clock hours of supervised clinical practice with 200 clock hours in the area of audiology. The supervised clinical practice shall be completed within the training institution or one of its cooperating programs.

(4) *Applicants for dual licensure pursuant to this section who have met the requirements of subsection (2) or subsection (3) are not required to hold a second master's degree.*

(5)(4) The board, by rule, shall establish requirements for the renewal of a provisional license. However, no person shall obtain a provisional license for a period *that which* exceeds 24 months.

Section 67. Paragraph (b) of subsection (2) of section 468.1215, Florida Statutes, is amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(2) The department shall issue a certificate as a speech-language pathology assistant or as an audiology assistant to each applicant whom the board certifies has:

(b) Completed at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the *Commission on Recognition of Council on* Postsecondary Accreditation.

Section 68. Paragraphs (h) and (u) of subsection (1) of section 468.1295, Florida Statutes, are amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist actions by the department as set forth in s. 455.228.

(h) Practicing with a revoked, suspended, ~~or~~ inactive, *or delinquent* license.

(u) *Failing to notify the board of a change in mailing address within 30 days after the change Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.*

Section 69. Subsection (1) of section 468.1695, Florida Statutes, is amended to read:

468.1695 Licensure by examination.—

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the department to take the licensure examination. The examination shall be given at least *two four* times a year and shall include, but not be limited to, questions on the subjects of nursing home administration such as:

- (a) Applicable standards of nursing home health and safety;
- (b) Federal, state, and local health and safety laws and rules;
- (c) General administration;
- (d) Psychology of patient care;
- (e) Principles of medical care;
- (f) Personal and social care;
- (g) Therapeutic and supportive care and services in long-term care;
- (h) Departmental organization and management;
- (i) Community interrelationships; and
- (j) Terminology.

The board may, by rule, adopt use of a national examination in lieu of part or all of the examination required by this part.

Section 70. Section 468.209, Florida Statutes, is amended to read:

468.209 Requirements for licensure.—

(1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application,

eign national jurisdiction which requires standards for licensure determined by the board to be equivalent to the requirements for licensure in this act.

- Section 72. Section 468.225, Florida Statutes, is amended to read:
- 468.225 *Exemptions* ~~Persons and practices not affected.~~—
- (1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:
- (a) Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed.
- (b) Any person employed as an occupational therapist or occupational therapy assistant by the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed.
- (c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee.
- (d) Any person fulfilling the supervised fieldwork experience requirements of s. 468.209, if such activities and services constitute a part of the experience necessary to meet the requirements of that section.
- (e) Any person employed by, or working under the direct supervision of, an occupational therapist as an occupational therapy aide.

(2) No provision of this act shall be construed to prohibit physicians, *physician assistants*, nurses, physical therapists, osteopathic physicians or surgeons, ~~or~~ clinical psychologists, *or speech-language pathologists or audiologists* from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession.

Section 73. Subsections (11) through (15) of section 468.301, Florida Statutes, are renumbered as subsections (12) through (16), respectively, and a new subsection (11) is added to said section to read:

468.301 Definitions.—As used in this part, the term:

(11) *“Mammographer” means a person who is certificated in mammography.*

Section 74. Paragraph (e) of subsection (2), paragraphs (a), (d), and (f) of subsection (3), and paragraph (a) of subsection (6) of section 468.302, Florida Statutes, are amended, paragraph (g) is added to subsection (2), and paragraph (h) is added to subsection (3) of said section, to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(2)

(e) *Only a person holding a certificate as a radiation therapist ~~therapist-technologist~~ may use the title “Certified Radiologic Technologist-therapy” or the letters “CRT-T” after his name.*

(g) *A person holding a certificate as a mammographer may use the title “Certified Radiologic Technologist-Mammography” or the letters “CRT-M” after his name.*

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(2)

- (e) Only a person holding a certificate as a radiation therapist ~~therapist~~
~~therapy technologist~~ may use the title "Certified Radiologic Technologist-Therapy" or the letters "CRT-T" after his name.
- (g) A person holding a certificate as a mammographer may use the
title "Certified Radiologic Technologist-Mammography" or the letters
"CRT-M" after his name.
- No other person is entitled to so use a title or letters contained in this
subsection or to hold himself out in any way, whether orally or in writing,
expressly or by implication, as being so certified.
- (3)(a) A person holding *only* a certificate as a basic X-ray machine
operator may perform general diagnostic radiographic and general fluoro-
scopic procedures, specifically excluding *mammographic*, nuclear medi-
cine, and radiation therapy procedures, under the direct supervision and
control of a licensed practitioner in that practitioner's office or in a hospi-
tal pursuant to paragraph (b). A basic X-ray machine operator may par-
ticipate in additional approved programs as provided by rule of the
department.
- (d) A person holding *only* a certificate as a general radiographer may
not perform *mammography*, nuclear medicine, or ~~and~~ radiation therapy
procedures. A general radiographer may participate in additional
approved programs as provided by rule of the department.

468.3095 Inactive status; reactivation; automatic suspension; reinstatement.—

(1) A certificateholder may request that his certificate be placed in an inactive status by making application to the department and paying a *nonrefundable* fee in an amount set by the department not to exceed \$50.

(2)(a) A certificate which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 468.309 upon payment of a *nonrefundable* late renewal fee not to exceed \$100. The renewed certificate shall expire 2 years after the date the certificate automatically reverted to inactive status.

Section 82. Subsection (3) of section 468.311, Florida Statutes, is amended to read:

468.311 Violations; penalties.—Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(3) The willful practice of radiologic technology by a student radiologic technologist without a direct supervisor being present.

Section 83. Subsections (1), (3), (5), (6), and (7) of section 468.314, Florida Statutes, are amended, and paragraphs (o) and (p) are added to subsection (2) of said section, to read:

468.314 Advisory Council on Radiation Protection; appointment; terms; powers; duties.—

(1) The Advisory Council on Radiation Protection is created within the Department of Health and Rehabilitative Services or its successor agency and shall consist of 17 45 persons to be appointed by the secretary for 3-year terms.

(2) The council shall be comprised of:

(o) A representative of the Department of Education.

(p) A certified radiologic technologist-mammography.

(3) ~~In order to achieve staggering of terms, within 120 days after October 1, 1984, the secretary shall appoint 15 eligible and qualified persons to be members of the council, as follows:~~

~~(a) Five members shall be appointed for terms of 1 year;~~

~~(b) Five members shall be appointed for terms of 2 years; and~~

~~(c) Five members shall be appointed for terms of 3 years.~~

~~As the term of each member expires, The secretary shall appoint members his successor for a term of 3 years. A member shall serve until his successor is appointed. If a member misses two consecutive council meetings, the secretary may appoint a replacement.~~

(5) Members of the council shall not receive compensation for their services; however, they are entitled to reimbursement for necessary travel expenses, pursuant to s. 112.061, from the funds in the Radiation Protection Trust Fund derived from fees collected under the provisions of this part.

(6) The council shall make recommendations to the department on all matters relating to radiation protection. Such recommendations may include proposed legislation, new or revised rules, procedural changes, need for additional study or research, changes in registration, certification, or licensure requirements or procedures, education or informational matters, new technology, guidance on the uses of radioisotopes in or on humans, and other such aspects of radiation protection that the council considers appropriate.

~~(a) The council may recommend to the department examination procedures for applicants and minimum requirements for qualification of applicants.~~

~~(b) The council shall:~~

~~1. Recommend to the department a code of ethics for the practice of radiologic technology.~~

~~2. Make recommendations for the improvement of continuing education courses.~~

~~3. Make recommendations to the department on matters relating to the practice of radiologic technology and radiation protection.~~

~~4. Study the utilization of medical imaging and nonionizing radiation, such as nuclear magnetic resonance or similarly related technology, and~~

~~make recommendations to the department on the personnel appropriate to conduct such procedures and the minimum qualifications for such personnel.~~

~~(7) This section is repealed on October 1, 1994, and the Advisory Council on Radiation Protection shall be reviewed by the Legislature pursuant to s. 11.611.~~

Section 84. Paragraph (a) of subsection (2) of section 468.509, Florida Statutes, is amended to read:

468.509 Dietitian/nutritionist; requirements for licensure.—

(2) The department shall examine any applicant whom the board certifies has completed the application form and remitted the application and examination fees specified in s. 468.508 and:

(a)1. Possesses a baccalaureate or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management, or an equivalent major course of study, from a school or program accredited, at the time of the applicant's graduation, by the appropriate accrediting agency recognized by the Commission on Recognition of Council on Postsecondary Accreditation and the United States Department of Education; and

2. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board; or

Section 85. Effective upon this act becoming a law, subsection (6) of section 468.511, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

468.511 Temporary permit.—

(6) If the board determines that an applicant has not passed an examination recognized by the board and is not qualified to be licensed by endorsement, but has otherwise met all the requirements of s. 468.509 and has made application for the next scheduled examination, the board may issue the applicant a temporary permit allowing him to practice dietetics and nutrition under the supervision of a licensed dietitian/nutritionist until notification of the results of the examination. If the results of the examination are not satisfactory, the temporary permit may be continued until the applicant sits for the next available licensure examination and until notification of the results of that examination. The temporary permit shall automatically expire upon the reporting of the results of the next available examination for licensure.

(7) An applicant for a temporary permit or license may be employed in an area of critical need, as defined by the board by rule, for a period of up to 60 days, if the employer has been furnished satisfactory evidence that the applicant meets the educational requirement under s. 468.509 and if the applicant practices under the general supervision of a licensed dietitian/nutritionist.

Section 86. Subsection (5) of section 478.42, Florida Statutes, is amended to read:

478.42 Definitions.—As used in this chapter, the term:

(5) "Electrolysis or electrolylogy" means the permanent removal of hair by introducing, into and beneath the skin, ionizing (galvanic current) or nonionizing radiation (thermolysis or high-frequency current) to destroy the hair-producing cells of the skin and vascular system, using needle-type epilation devices that are approved registered with the United States Food and Drug Administration and used pursuant to protocols approved by the council and the board.

Section 87. Subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 478.44, Florida Statutes, are amended to read:

478.44 Electrolysis Council; creation; function; powers and duties.—

(2)(a) The council shall consist of five three members, appointed by the secretary of the department board, three of whom who are licensed electrologists actively engaged in the delivery of electrolysis services in this state for at least 4 consecutive years prior to their appointment; and who are not affiliated with an electrolysis school or manufacturer or supplier of electrolysis equipment or supplies; one of whom is a dermatologist or endocrinologist licensed in this state; and one of whom is a consumer member who is a resident of this state and who has never been

licensed as an electrologist, has no financial interest in the practice of electrology, and is not affiliated with an electrolysis school or manufacturer or supplier of electrolysis equipment or supplies.

(b) Initial council members shall be eligible for licensure at the time of their appointment and shall be licensed by October 1, 1994 ~~1993~~, to remain on the council. Members appointed after October 1, 1996, shall have been licensed in this state for at least 2 ~~3~~ years prior to their appointment.

(3)

(b) In order to achieve staggering of terms, ~~by December 1, 1992~~, the ~~department board~~ shall appoint the ~~additional two~~ members of the council for terms of 4 years each. ~~as follows:~~

~~1. One member shall be appointed for a term of 2 years.~~

~~2. One member shall be appointed for a term of 3 years.~~

~~3. One member shall be appointed for a term of 4 years.~~

(4)

(b) The council shall meet at least twice a year and shall hold such additional meetings as are deemed necessary by the ~~department board~~. ~~Three~~ ~~Two~~ members of the council constitute a quorum.

Section 88. Subsections (1), (2), (3), and (5) of section 478.45, Florida Statutes, are amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the board, showing to the satisfaction of the board that the applicant:

(a) Is at least 18 years old.

(b) Is of good moral character.

~~(c) Is a resident of the state.~~

~~(d) Possesses a high school diploma or a graduate equivalency diploma.~~

~~(c)(e)~~ Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.

~~(d)(f)1.~~ Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board; or

2. Was engaged in the practice of electrology prior to October 1, 1991, and filed an application for licensure within 90 days of the date established by the board or by October 1, 1993, whichever comes last.

(2) Each applicant for licensure shall successfully pass a written examination developed by the department or a national examination ~~that has, both of which have been approved by the department board~~. The examinations shall test the applicant's knowledge relating to the practice of electrology, including the applicant's professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects which are useful to determine the applicant's fitness to practice.

(3) The department, ~~upon approval of the board~~, may adopt a the ~~American Electrology Association examination or any other~~ national examination in lieu of any part of the examination required by this section. The ~~department board~~, with the assistance of the council, shall establish standards for acceptable performance.

(5) The department shall conduct licensure examinations at least biannually at locations set by the ~~department board~~. However, such examinations may be conducted at least three times each year through 1995. The ~~department board~~ shall give public notice of the time and place of each examination at least 60 days before it is administered and shall mail notice of such examination to each applicant whose application is timely filed, pursuant to ~~department board~~ rule.

Section 89. Subsection (1) of section 478.46, Florida Statutes, is amended to read:

478.46 Temporary permits.—

(1) If the executive director of the board determines that an applicant is qualified to be licensed under s. 478.47 ~~478.45~~, the board may issue the applicant a temporary permit to practice electrology until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit shall be issued to an applicant, and it shall not be renewable.

Section 90. Section 478.47, Florida Statutes, is amended to read:

478.47 Licensure by endorsement.—The department shall issue a license by endorsement to any applicant who submits an application and the required fees as set forth in s. 478.55 and who the board certifies has met the qualifications of s. 478.45(1) and (2) or who holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the board to be equivalent to the requirements for licensure in this state.

Section 91. Section 478.475, Florida Statutes, is created to read:

478.475 Licensure without examination.—The department shall issue a license without examination to any applicant who submits an application and the required fees as set forth in s. 478.55, postmarked no later than December 30, 1994, and who the board certifies has met the qualifications in s. 478.45(1)(a)-(c) and (d)2.

Section 92. Subsection (1) of section 483.035, Florida Statutes, is amended to read:

483.035 Clinical laboratories operated by practitioners for exclusive use; licensure and regulation.—

(1) A clinical laboratory operated by one or more practitioners licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, or chapter 466, exclusively in connection with the diagnosis and treatment of their own patients, must be licensed under this part and must comply with the provisions of this part, except that the agency shall adopt rules for staffing, *personnel, including education and training of personnel*, proficiency testing, and construction standards relating to the licensure and operation of the laboratory based upon and not exceeding the same standards contained in the federal Clinical Laboratory Improvement Amendments of 1988 and the federal regulations adopted thereunder.

Section 93. Effective upon this act becoming a law, subsection (6) of section 483.041, Florida Statutes, is amended to read:

483.041 Definitions.—As used in this part, the term:

(6) "Licensed practitioner" means a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461; a dentist licensed under chapter 466; a person licensed under chapter 462; *an optometrist licensed under chapter 463*; or an advanced registered nurse practitioner licensed under chapter 464.

Section 94. Subsection (9) of section 483.051, Florida Statutes, is amended to read:

483.051 Powers and duties of the agency.—The agency shall adopt rules to implement this part, which rules must include, but are not limited to, the following:

(9) ALTERNATE-SITE TESTING.—*Notwithstanding the provisions of part IV, the agency shall be responsible for alternate-site testing. The agency, in consultation with the Board of Clinical Laboratory Personnel, shall adopt, by rule, all the criteria for alternate-site testing to be performed under the supervision of a clinical laboratory director. The clinical laboratory director shall be responsible for selecting the tests to be performed, the test-specific training requirements, and the persons who will perform the tests, specific to the needs of the institution in accordance with the agency rule.* The elements to be addressed in the rule include, but are not limited to:

(a) A hospital internal needs assessment, including a patient benefit analysis and an evaluation of proposed methodologies;

(b) A protocol of implementation, including the level of complexity of tests to be performed, which shall not exceed moderate complexity as defined in the federal Clinical Laboratory Improvement Amendments of 1988 and the federal regulations adopted thereunder, and who will perform the tests;

(c) Criteria to be used in selecting the method of testing to be used for alternate-site testing;

(d) Any minimum training and education requirements for those who will perform alternate-site testing. *Documented licensure or certification in a medical profession, not limited to laboratory professionals, shall constitute the minimum training and education requirements, such as documented training, licensure, certification, or other medical professional background not limited to laboratory professionals;*

(e) Documented inservice training as well as initial and ongoing competency validation;

(f) An appropriate internal and external quality-control protocol;

(g) An internal mechanism for identifying and tracking alternate-site testing by the central laboratory; and

(h) Recordkeeping requirements.

Alternate-site testing locations must register when the clinical laboratory applies to renew its license. For purposes of this subsection, the term "alternate-site testing" means any laboratory testing done under the administrative control of a hospital clinical laboratory director, but performed out of the physical ~~or administrative~~ confines of the central laboratory.

Section 95. Subsection (1) of section 483.23, Florida Statutes, is amended to read:

483.23 Offenses; criminal penalties.—

(1)(a) It is unlawful for any person to:

1. Operate, maintain, direct, or engage in the business of operating a clinical laboratory unless he has obtained a clinical laboratory license from the agency or is exempt under s. 483.031.

2. Conduct, maintain, or operate a clinical laboratory, other than an exempt laboratory or a laboratory operated under s. 483.035, unless the clinical laboratory is under the direct and responsible supervision and direction of a person licensed under part IV of this chapter.

3. Allow any person other than an individual licensed under part IV of this chapter to perform clinical laboratory procedures, except in the operation of a laboratory exempt under s. 483.031 or a laboratory operated under s. 483.035 or in the administration of testing performed under s. 483.051(9).

4. Violate or aid and abet in the violation of any provision of this part or the rules adopted under this part.

(b) The performance of any act specified in paragraph (a) constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 96. Section 483.26, Florida Statutes, is amended to read:

483.26 Technical advisory panel.—The Agency for Health Care Administration ~~shall may~~ establish a technical advisory panel to assist the agency in rule revisions that are necessary as a result of this act. *This panel shall be composed of representatives of the health care community and, at a minimum, include representatives from the Florida Society of Pathologists, the Florida Coalition of Professional Laboratory Organizations, the Florida Nurses Association, the Florida Hospital Association, and the Florida Perfusion Society, and a nonpathologist representative of the Florida Medical Association.* This advisory input should be sought to expand public participation in agency decisions and to draw on the expertise of representatives from the various segments of health care ~~which have an interest in laboratory procedures.~~

Section 97. Section 483.800, Florida Statutes, is amended to read:

483.800 Declaration of policy and statement of purpose.—The purpose of this part is to protect the public health, safety, and welfare of the people of this state from the hazards of improper performance by clinical laboratory personnel. Clinical laboratories provide essential services to practitioners of the healing arts by furnishing vital information that is essential to a determination of the nature, cause, and extent of the condition involved. Unreliable, ~~and inaccurate, and untimely~~ reports may cause unnecessary anxiety, suffering, and financial burdens and may even contribute directly to death. The protection of public and individual health requires the licensure of clinical laboratory personnel who meet

minimum requirements for safe practice. The Legislature finds that laboratory testing technology continues to advance rapidly. ~~The Legislature also finds that a hospital training program under the direction of the hospital clinical laboratory director offers an opportunity for individuals already trained in health care professions to expand the scope of their careers.~~ The Legislature further finds that there is an immediate need for properly trained personnel to ensure patient access to testing. Therefore, the Legislature recognizes the patient-focused benefits of hospital-based training for laboratory and nonlaboratory personnel for testing within the laboratory ~~and at alternate sites~~, and recognizes the benefits of a training program approved by the Board of Clinical Laboratory Personnel under the direction of the hospital clinical laboratory director.

Section 98. Subsection (3) is added to section 483.801, Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(3) *Persons engaged in testing performed under s. 483.051(9) or at laboratories regulated under s. 483.035(1) or exempt under s. 483.031(2).*

Section 99. Subsection (3) of section 483.803, Florida Statutes, is amended to read:

483.803 Definitions.—As used in this part, the term:

(3) "Clinical laboratory personnel" includes a clinical laboratory director, supervisor, technologist, blood gas analyst, or technician who performs or is responsible for laboratory test procedures, but the term does not include trainees, persons who perform screening for blood banks or plasmapheresis centers, phlebotomists, ~~or persons employed by a clinical laboratory to perform manual pretesting duties or~~ clerical, personnel, or other administrative responsibilities, ~~or persons engaged in testing performed under s. 483.051(9) or at laboratories regulated under s. 483.035(1) or exempt under s. 483.031(2).~~

Section 100. Section 483.811, Florida Statutes, is amended to read:

483.811 Approval of laboratory personnel training programs.—

(1) The board shall approve clinical laboratories for training programs upon presentation of satisfactory evidence that such laboratories are adequately staffed by qualified personnel and comply with rules adopted by the board to ensure that such laboratories provide training in clinical laboratory techniques adequate to prepare individuals to meet the requirements for licensure under this part.

(2) The board shall adopt rules for training programs, including, but not limited to, rules relating to curriculum, educational objectives, evaluation procedures, personnel licensure requirements, preentry educational requirements, and length of clinical training.

(3) *A clinical laboratory operated by one or more practitioners who hold the facilities of the laboratory out as available for the performance of diagnostic tests for other practitioners or their patients, which receives any referral work, or performs laboratory work for patients referred by another practitioner, is subject to the provisions of this part. The board shall adopt rules for the licensure, education, and training of personnel in laboratories operated pursuant to s. 483.035 based upon and not exceeding the standards contained in the federal Clinical Laboratory Improvement Amendments of 1988 and the federal regulations adopted thereunder. This subsection does not apply to a clinical laboratory operated by one or more practitioners who hold the facilities of the laboratory out as available for the performance of diagnostic tests for other practitioners or their patients. If a clinical laboratory receives any referred work, or performs any work for patients referred by another practitioner, all provisions of this part apply.*

(4) The board shall approve training programs for laboratory technicians in a hospital or clinical laboratory which programs are under the supervision of a clinical laboratory director. The training must be accepted in lieu of educational requirements for licensure, but a trainee must have a high school diploma or its equivalent. Any person who completes a training program must pass, before licensure, an examination given by the department.

(5) The department may inspect laboratory personnel training programs.

(6) If the board finds that an approved program no longer meets the required standards, the department may rescind the approval.

Section 101. Section 483.813, Florida Statutes, is amended to read:

483.813 Clinical laboratory personnel license.—A person may not conduct a clinical laboratory examination or report the results of such examination unless such person is licensed under this part to perform such procedures. However, this provision does not apply to any practitioner of the healing arts authorized to practice in this state or to persons engaged in testing performed under s. 483.051(9) or at laboratories regulated under s. 483.035(1) or exempt under s. 483.031(2). The department shall grant a nonrenewable temporary license to an applicant who has applied to take the licensure examination and has submitted a completed application which on its face indicates that all requirements for licensure, except a passing score on the examination, have been met. A temporary license shall expire upon the applicant's failure to sit for the scheduled examination or 60 days after sitting for the scheduled examination. ~~The department may grant a temporary license to any candidate it deems properly qualified, for a period not to exceed 6 months.~~

Section 102. Section 483.825, Florida Statutes, is amended to read:

483.825 Grounds for disciplinary action against clinical laboratory personnel.—The following acts constitute grounds for which disciplinary actions specified in s. 483.827 may be taken ~~against clinical laboratory personnel~~:

(1) *Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery, by fraudulent misrepresentation, or through an error of the department or the board. Making a fraudulent statement on an application for a license or any other document required by the department.*

(2) Engaging in or attempting to engage in, or representing himself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to his license.

(3) Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting.

(4) Performing a test and rendering a report thereon to a person not authorized by law to receive such services.

(5) Having been convicted of a felony or of any crime involving moral turpitude under the laws of any state or of the United States. The record of conviction or a certified copy thereof shall be conclusive evidence of such conviction.

(6) Having been adjudged mentally or physically incompetent.

(7) Violating or aiding and abetting in the violation of any provision of this part or the rules adopted hereunder.

(8) Reporting a test result when no laboratory test was performed on a clinical specimen.

(9) Knowingly advertising false services or credentials.

(10) Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction. *The licensing authority's acceptance of a relinquishment of a license, stipulation, consent order, plea of nolo contendere, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the licensee, shall be construed as action against the licensee.*

(11) *Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.*

Section 103. Subsection (1) of section 483.827, Florida Statutes, is amended to read:

483.827 Administrative penalties.—

(1) The board may deny, suspend, *permanently* revoke, annul, restrict, require corrective action, place on probation, or limit renewal of a license, registration, or application or impose an administrative fine, not to exceed \$500 per violation, for the violation of any provision of this part or rules adopted hereunder. Each day of violation constitutes a separate violation and is subject to a separate fine.

Section 104. Section 483.828, Florida Statutes, is created to read:

483.828 Penalty for violations.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing as clinical laboratory personnel without an active license.

(b) The use or attempted use of a license which is suspended or revoked to practice as clinical laboratory personnel.

(c) Attempting to obtain or obtaining a license to practice as clinical laboratory personnel by knowing misrepresentation.

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Knowingly concealing information relating to violations of this part.

(b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this part.

Section 105. Subsection (1) of section 484.002, Florida Statutes, is amended to read:

484.002 Definitions.—As used in this part:

(1) "Department" means the Department of Business and Professional Regulation.

Section 106. Subsection (1) of section 484.003, Florida Statutes, is amended to read:

484.003 Board of Opticianry; membership; appointment; terms.—

(1) The Board of Opticianry is created within the Department of Business and Professional Regulation and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

Section 107. Section 484.007, Florida Statutes, is amended to read:

484.007 Licensure of opticians; permitting of optical establishments.—

(1) Any person desiring to practice opticianry shall apply to the department, upon forms prescribed by it, to take a licensure examination. The department shall examine each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by the board, in the amount of \$100 or less, and an examination fee set by the board, in the amount of \$325 plus the actual per applicant cost to the department for purchase of portions of the examination from the American Board of Opticianry or a similar national organization, or less, and refundable if the board finds the applicant ineligible to take the examination;

(b) Is not less than 18 years of age;

(c) Is a graduate of an accredited high school or possesses a certificate of equivalency of a high school education; and

(d)1. Has received an associate degree, or its equivalent, in opticianry from an educational institution the curriculum of which is accredited by an accrediting agency recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation Council on Postsecondary Education or approved by the board;

2. Is an individual licensed to practice the profession of opticianry pursuant to a regulatory licensing law of another state, territory, or other jurisdiction of the United States, who has actively practiced in such other state, territory, or jurisdiction for more than 3 years immediately preceding application, and who meets the examination qualifications as provided in this subsection;

3. Is an individual who has actively practiced in another state, territory, or other jurisdiction of the United States for more than 5 years immediately preceding application and who provides tax or business records, affidavits, or other satisfactory documentation of such practice and who meets the examination qualifications as provided in this subsection; or

4. Has registered as an apprentice with the department and paid a registration fee not to exceed \$60, as set by rule of the board. The apprentice shall complete 6,240 hours of training under the supervision of an optician, a physician, or an optometrist licensed under the laws of this state. These requirements must be met within 5 years after of the date of registration. However, any time spent in a recognized school may be considered as part of the apprenticeship program provided herein. The board may establish administrative processing fees sufficient to cover the cost of administering apprentice rules as promulgated by the board.

(2) The department may permit an applicant who has satisfied all requirements of subsection (1) to take the examination and shall issue a license to practice opticianry to any candidate who successfully completes the examination.

(3) Any person desiring to operate an optical establishment shall apply to the department, upon forms prescribed by the department, for a permit. The department shall issue a permit to each applicant who:

(a) Has completed the permit form and remitted a nonrefundable application fee set by the department in an amount not to exceed \$500.

(b) Has identified the optical establishment by name, street and mailing address, and telephone number.

(c) Has identified the owner of the optical establishment by name, street and mailing address, and telephone number and, in the case of a partnership, corporation, association, or entity has identified a registered agent or other person to receive service of papers or other documents or perform other duties as specified by the department.

(4)(a) A permit issued to an optical establishment is for that establishment only, is valid for as long as that establishment operates at that location, and is not transferable to another owner or location by any means, including, but not limited to, any sale of a corporation, partnership, sole proprietorship, or other business entity.

(b) The owner of a permitted optical establishment shall notify the department within 30 days after a change in ownership of the establishment and at the same time return the permit to the department for cancellation. Upon any change in ownership of an optical establishment, the new owner of the establishment shall file for a new permit and shall pay the prescribed permit fee.

Section 108. Subsection (4) of section 484.013, Florida Statutes, is renumbered as subsection (5) and amended, and a new subsection (4) is added to said section, to read:

484.013 Violations and penalties.—

(4) It is unlawful for any person to open or operate, either alone or with any other person or persons, an optical establishment which does not have the permit required by this part.

(5)(4) Any person who violates a provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083

Section 109. Section 484.014, Florida Statutes, is amended to read:

484.014 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for both disciplinary action against an optician as set forth in this section and cease and desist action by the department as set forth in s. 455.228 against any person operating an optical establishment who engages in, aids, or abets any such violation:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

(g) Violation or repeated violation of this part or of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, or inactive license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.012.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(o) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) Having been found guilty, in a court of this state or other jurisdiction, of a crime which relates to the ability to practice opticianry or to the practice of opticianry. A plea of nolo contendere is the same as a finding of guilt.

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of opticianry with reasonable skill and safety to his customers.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify to the department an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the optician on probation for a period of time and subject to such conditions as the board may specify, including requiring the optician to submit to treatment or to work under the supervision of another optician.

(3) The board shall not reinstate the license of an optician it has deemed unqualified until such time as it is satisfied that he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of opticianry.

(4) A permit holder under this part shall be subject to the provisions of this section which shall be enforced by the department.

Section 110. Subsection (3) is added to section 484.018, Florida Statutes, to read:

484.018 Exceptions.—

(3) *Nothing in this part shall be construed to mean that a practitioner licensed under chapter 458, chapter 459, or chapter 463 shall be required to secure a permit under this part for the operation of an optical establishment.*

Section 111. *There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Development the sum of \$35,000 and one FTE to implement the provisions of this act relating to the permitting of optical establishments.*

Section 112. Subsection (9) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(9) "Direct supervision" means supervision by a physical therapist who is licensed pursuant to this chapter. Except in a case of emergency, direct supervision requires the physical presence of the licensed physical therapist for consultation and direction of the actions of a physical therapist or physical therapist assistant who is practicing *as a graduate physical therapist or graduate physical therapist assistant* ~~under a temporary permit~~ and who is a candidate for licensure by examination.

Section 113. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist; licensing requirements.—To be eligible for licensing as a physical therapist, an applicant must:

- (1) Be at least 18 years old;
- (2) Be of good moral character; and

(3)(a) Have been graduated from a school of physical therapy which has been approved for the educational preparation of physical therapists by the appropriate accrediting agency recognized by the *Commission on Recognition of Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)* or the United States Department of Education at the time of his graduation and have passed, to the satisfaction of the board, *the American Registry Examination prior to 1971 or an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided; or*

(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board, and have passed to the satisfaction of the board an examination administered by the department to determine his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.081.

Section 114. Section 486.041, Florida Statutes, is amended to read:

486.041 Physical therapist; application for license; fee; *graduate physical therapist* ~~temporary permit~~.—

(1) A person who desires to be licensed as a physical therapist shall apply to the board in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.031. He shall pay to the department at the time of filing his application a fee not to exceed \$100, as fixed by the board, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned.

(2) If a person *meeting the criteria in subsection (1) and s. 486.031* desires to practice physical therapy before receiving the results of the first available examination for licensure following completion of the educational criteria established in s. 486.031(3)(a) and (b), *the person becoming licensed through examination, he shall apply to the board for graduate physical therapist status* ~~a temporary permit~~ in accordance with rules adopted pursuant to this chapter.

(a) *Graduate physical therapist status shall automatically expire upon the reporting of the results of the first available examination for licensure following the applicant's completion of the educational criteria established in s. 486.031(3)(a) and (b). Graduate physical therapist status* ~~A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. A temporary permit shall automatically expire if an applicant fails the examination.~~

(b) An applicant for licensure by examination *who is and practicing as a graduate physical therapist* ~~under a temporary permit~~ shall do so only under the direct supervision of a licensed physical therapist.

Section 115. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of license without examination to person passing examination of another authorized examining board; ~~temporary permit~~; fee.—

(1) The board may cause a license to be issued through the department without examination to any applicant who presents evidence satisfactory to the board of having passed *the American Registry Examination prior to 1971 or an examination in physical therapy before a similar lawfully authorized examining board of another state, the District of Columbia, a territory, or a foreign country, if the standards for licensure in physical therapy in such other state, district, territory, or foreign country are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical therapist" or "physiotherapist," or the letters "P.T.," in connection with his name or place of business to denote his licensure hereunder.*

(2) At the time of making application for licensure without examination pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed \$175 as fixed by the board, no part of which will be returned.

~~(3) If a person desires to practice physical therapy before becoming licensed through endorsement, he shall apply to the board for a temporary permit in accordance with rules adopted pursuant to this chapter. A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable.~~

Section 116. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant; licensing requirements.—To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

- (1) Be at least 18 years old;
- (2) Be of good moral character; and

(3)(a) Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the *Commission on Recognition of Council on Postsecondary Accreditation (formerly the National Commission on Accrediting and the Federation of Regional Accrediting Commissions of Higher Education)* or the United States Department of Education at the time of his graduation and have passed to the satisfaction of the board an examination administered by the department to determine his fitness for practice as a physical therapist assistant as hereinafter provided; ~~or~~

(b) Have been graduated from a school giving a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination conducted by the department to determine his fitness for practice as a physical therapist assistant as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.107.

Section 117. Section 486.103, Florida Statutes, is amended to read:

486.103 Physical therapist assistant; application for license; fee; *graduate physical therapist assistant* ~~temporary permit~~.—

(1) A person who desires to be licensed as a physical therapist assistant shall apply to the board in writing on a form furnished by the department. He shall embody in that application evidence under oath, satisfactory to the board, of his possessing the qualifications preliminary to examination required by s. 486.104. He shall pay to the department at the time of filing his application a fee not to exceed \$100, as fixed by the board, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Services for the American Physical Therapist's Association or a similar national organization. If an applicant is deemed ineligible to take the examination, that part of his application fee which is to be used for examination expenses shall be returned.

(2) If a person *meeting the criteria established in subsection (1) and s. 486.102* desires to work as a physical therapist assistant before receiving the results of the first available examination for licensure following completion of the educational criteria established in s. 486.102(3)(a) and (b), ~~the person being licensed through examination, he shall apply to the board for graduate physical therapist assistant status a temporary permit~~ in accordance with rules adopted pursuant to this chapter.

(a) Graduate physical therapist assistant status shall automatically expire upon the reporting of the results of the first available examination for licensure following the applicant's completion of the educational criteria established in s. 486.102(3)(a) and (b). Graduate physical therapist assistant status ~~A temporary permit~~ shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable. ~~A temporary permit shall automatically expire if an applicant fails the examination.~~

(b) An applicant for licensure by examination who is practicing as a graduate physical therapist assistant ~~under a temporary permit~~ shall do so only under the direct supervision of a licensed physical therapist.

Section 118. Section 486.107, Florida Statutes, is amended to read:

486.107 Physical therapist assistant; issuance of license without examination to person licensed in another jurisdiction; ~~temporary permit; fee.—~~

(1) The board may cause a license to be issued through the department without examination to any applicant who presents evidence to the board, under oath, of licensure in another state, the District of Columbia, or a territory, if the standards for registering as a physical therapist assistant or licensing of a physical therapist assistant, as the case may be, in such other state are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical therapist assistant," or the letters "P.T.A.," in connection with his name to denote his licensure hereunder.

(2) At the time of making application for licensing without examination pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed \$175 as fixed by the board, no part of which will be returned.

~~(3) If a person desires to work as a physical therapist assistant before being licensed through endorsement, he shall apply for a temporary permit in accordance with rules adopted pursuant to this chapter. A temporary permit shall only be issued for a limited period of time, not to exceed 1 year, and shall not be renewable.~~

Section 119. Section 486.123, Florida Statutes, is created to read:

486.123 Sexual misconduct in the practice of physical therapy.—The physical therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of physical therapy means violation of the physical therapist-patient relationship through which the physical therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of physical therapy is prohibited.

Section 120. Subsection (3) is added to section 486.161, Florida Statutes, to read:

486.161 Exemptions.—

(3) No provision of this chapter prohibits a licensed physical therapist from delegating, to a person qualified by training, experience, or

education, specific patient care activities, as defined and limited by board rule, to assist the licensed physical therapist in performing duties in compliance with the standards of the practice of physical therapy. Specific patient care activities, as defined and limited by board rule, must be performed under the direct supervision of the licensed physical therapist or physical therapist assistant in the immediate area, if the person is not a licensed physical therapist assistant.

Section 121. Section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed \$500 ~~\$250~~ and an examination fee set by the board sufficient to cover the actual per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed \$500.

(b) Submitted proof satisfactory to the board that ~~the applicant~~ he has:

1. Received a doctoral degree with a major in psychology from a program within the State University System prior to July 1, 1998, or received a doctoral degree with a major in psychology from a program which at the time the applicant was enrolled and graduated had specialized or programmatic accreditation from an accrediting agency recognized by the United States Department of Education ~~was accredited by the American Psychological Association;~~

2. Received a doctoral degree with a major in psychology prior to July 1, 1995, from a program which at the time the applicant was enrolled and graduated maintained a standard of training comparable to the standards of training of those programs accredited by the American Psychological Association, or received a doctoral degree with a major in psychology from an institution which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized and approved by the United States Department of Education and had received a respecialization certificate from a program accredited by an agency recognized and approved by the United States Department of Education. Education and training in psychology may ~~must~~ have been received in an institution of higher education fully ~~accredited by a regional accrediting body recognized by the Council on Postsecondary Accreditation or an institution which is~~ publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or

3. Received a degree equivalent to a doctoral degree in the United States with a major in psychology from a program at a school or university located outside the United States of America and Canada, which program throughout the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those doctoral programs with specialized or programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education ~~accredited by the American Psychological Association.~~ Such foreign education and training in psychology must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant.

The board shall ~~may~~ certify an applicant for examination whose doctoral program met all the requirements of subparagraph 2. or subparagraph 3., with the exception of the requirements of substantial equivalence to those programs with specialized or programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education ~~maintaining accreditation by the American Psychological Association,~~ if the applicant's education has been augmented within a program meeting all the requirements of subparagraph 1. or subparagraph 2. The board shall develop by rule a procedure for an applicant to augment education which will ensure that the applicant is minimally competent to practice in this state.

(c) Had at least 2 years or 4,000 hours of experience in the field of psychology in association with or under the supervision of a licensed psy-

chologist meeting the academic and experience requirements of this chapter or the equivalent as determined by the board. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises. No more than 1 year of predoctoral experience may be utilized in satisfying the experience required.

(d) Passed the examination. However, an applicant who has obtained a passing score, as established by the board by rule, on the psychology licensure examination designated by the board as the national licensure examination, need only pass the Florida law and rules portion of the examination.

(2) Any person desiring to be licensed as a school psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the department certifies has:

(a) Satisfactorily completed the application form and submitted a nonrefundable application fee not to exceed \$500 ~~\$250~~ and an examination fee sufficient to cover the per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed \$500 ~~\$250~~ as set by department rule.

(b) Submitted satisfactory proof to the department that the applicant:

1. Has received a doctorate, specialist, or equivalent degree from a program primarily psychological in nature and has completed 60 semester hours or 90 quarter hours of graduate study, in areas related to school psychology as defined by rule of the department, from a college or university which at the time the applicant was enrolled and graduated was accredited by ~~an a-regional~~ accrediting agency recognized and approved by the ~~Commission on Recognition of Council on~~ Postsecondary Accreditation or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

2. Has had a minimum of 3 years of supervised experience in school psychology, ~~as determined by rule of the department 2-years of which must be supervised by an individual who has met the education and experience requirements for licensure as a school psychologist under this chapter.~~ A doctoral internship may be applied toward the supervision requirement.

3. Has passed an examination provided by the department.

Section 122. Subsection (1) of section 490.006, Florida Statutes, is amended to read:

490.006 Licensure by endorsement.—

(1) The department shall license a person as a psychologist or school psychologist who, upon applying to the department and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board that he:

(a) Holds a valid license or certificate in another state to practice psychology or school psychology, as applicable, provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in this chapter; or

(b) Is a diplomate in good standing ~~in the area of clinical psychology, clinical neuropsychology, counseling psychology, forensic psychology, or school psychology~~ with the American Board of Professional Psychology, Inc., provided that the requirements for granting diplomate status when the ~~applicant's applicant was awarded his diploma was awarded~~ were at least as stringent as the requirements in effect on October 1, 1989.

Section 123. Subsection (3) of section 456.32, Florida Statutes, is amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatry, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his profes-

sional training and competence and within the purview of the statutes applicable to his respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 124. Subsections (3) and (4) of section 491.005, Florida Statutes, are amended to read:

491.005 Licensure by examination.—

(3) Upon verification of documentation and payment of a fee not to exceed \$200 ~~\$250~~, as set by board rule, *plus the actual cost to the department for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization*, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b) Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, and has completed all of the following requirements:

1. Twenty-seven semester hours or 41 quarter hours of graduate coursework, which must include a minimum of 2 semester hours or 3 quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory; psychopathology; human sexuality theory and counseling techniques; general counseling theory and techniques; and psychosocial theory. Content may be combined, provided no more than two of the nine content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of coursework was devoted to each content area. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.

2. A minimum of one graduate-level course of 2 semester hours or 3 quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

3. A minimum of one graduate-level course of 2 semester hours or 3 quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Applicants who complete all coursework required prior to October 1, 1990, and who submit a completed application for licensure prior to January 1, 1993, may substitute course content in research with documentation that no less than 10 classroom hours of coursework were devoted to research as described in this subparagraph. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

4. A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada *or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education*. Certification shall be required from an official of such college, ~~or~~ university, *or training institution*.

Except as provided in subparagraph 4., education and training in marriage and family therapy must have been received in an institution of higher education which at the time the applicant graduated was: fully

accredited by a regional accrediting body recognized by the *Commission on Recognition of Council on Postsecondary Accreditation*; a training institution fully accredited by the *Commission on Accreditation for Marriage and Family Therapy Education* recognized by the United States Department of Education; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the *Commission on Recognition of Council on Postsecondary Accreditation*. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board may require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had not less than 3 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, 2 years of which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience or the equivalent as determined by the board. Within the 3 years of required experience for licensure as a marriage and family therapist, the applicant shall provide direct individual, group, or family therapy and counseling, to include the following categories of cases: unmarried dyads, married couples, separating and divorcing couples, and family groups including children. A doctoral internship may be applied toward the supervision requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising marriage and family therapist, provided the off-premises work is not the independent private practice rendering of marriage and family therapy services that does not have a licensed marriage and family therapist or the equivalent, as determined by the board, as a member of the group actually rendering services on the premises.

(d) Has passed an examination provided by the department for this purpose.

(4) Upon verification of documentation and payment of a fee not to exceed \$200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(a) Has made application therefor and paid the appropriate fee.

(b) Has received a minimum of an earned master's degree with a major related to the practice of mental health counseling, and has completed all of the following requirements:

1. Twenty-one semester hours or 32 quarter hours of graduate coursework, which must include a minimum of 2 semester hours or 3 quarter hours of graduate-level coursework in each of the following seven content areas: counseling theories and practice; human development theories; personality theory; psychopathology or abnormal psychology; human sexuality theories; group theories and practice; and individual evaluation and assessment. Content may be combined, provided no more than two of the seven content areas are included in any one graduate-level course and the applicant can document that the equivalent of 2 semester hours of content was devoted to each content area. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

2. A minimum of one 2-semester-hour or 3-quarter-hour graduate-level course in research or in career or vocational counseling. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

3. A minimum of 2 semester hours or 3 quarter hours of graduate-level coursework in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals and objectives of professional counseling organizations, codes of ethics, legal consider-

ations, standards of preparation, certifications and licensing, and the role identity of counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

4. A minimum of one supervised practicum, internship, or field experience in a counseling setting. This requirement may be met by a supervised practice experience which takes place outside the academic arena, but which is certified as equivalent to a graduate-level practicum in a clinical mental health counseling setting currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education. Such certification shall be required from an official of such college or university. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

Except as provided in subparagraph 4., education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the *Commission on Recognition of Council on Postsecondary Accreditation*; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the *Commission on Recognition of Council on Postsecondary Accreditation*. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board may require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had a minimum of 3 years' clinical experience in mental health counseling, 2 years of which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent as determined by the board. A doctoral internship may be applied toward the supervision requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor, provided the off-premises work is not the independent private practice rendering of services that does not have a licensed mental health counselor or the equivalent, as determined by the board, as a member of the group actually rendering services on the premises.

(d) Has passed an examination provided by the department for this purpose.

Section 125. Section 491.0055, Florida Statutes, is created to read:

491.0055 Licensure under special conditions.—The department shall license as a mental health counselor, without examination, any person who between December 1, 1994, and February 28, 1995:

(1) Submits an application form created for, and limited to, the purpose of this section, which shall be made available by the department not later than November 1, 1994, and a nonrefundable application fee equal to the application fee required for licensure pursuant to s. 491.005(4).

(2) Submits documentation that the applicant has received a minimum of a master's degree with a major emphasis in psychology, counseling, or a related field from an institution licensed by the state in which it was located on the date of the granting of such degree and from which the applicant received personal instruction and was supervised by faculty provided for that purpose by the institution.

(3) Submits documentation that the applicant has completed at least 4 years' experience in the provision of psychological or counseling services as of the date of application for licensure under this section.

(4) Submits affirmation that the applicant is a member in good standing in the Florida Psychological Practitioners Association as of the

date of such affirmation, occurring on or after October 1, 1994, and that the applicant was a member of such association on the date of entry of the Stipulated Order of Permanent Injunction entered by the United States District Court for the Middle District of Florida, in *Abramson, et al., v. Gonzalez, et al.*, case number 81-735-CIV-ORL-19, August 26, 1992.

This section shall expire September 30, 1995. Such expiration shall not impair the rights of any applicant under this section whose timely application has not by that date received final action, inclusive of all appeal rights.

Section 126. Subsection (2) of section 468.1245, Florida Statutes, is amended to read:

468.1245 Itemized listing of prices; delivery of hearing aid; contract; guarantee; packaging; disclaimer.—

(2) Any licensee who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a ~~receipt contract~~ containing the seller's signature, the address of his regular place of business, and his license or certification number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The ~~receipt contract~~ also shall specify whether the hearing aid is new, used, or rebuilt, and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the ~~receipt contract~~ shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries, and other accessories, and the cost of any services. Notice of the availability of this service ~~must shall~~ be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and its guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the ~~Division of Consumer Services of the department of Agriculture and Consumer Services~~. The address and telephone number of ~~the department such office~~ shall be stated on the ~~receipt contract~~.

Section 127. Subsection (2) of section 484.051, Florida Statutes, is amended to read:

484.051 Itemization of prices; delivery of hearing aid; receipt, packaging, disclaimer, guarantee.—

(2) Any person who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a receipt containing the seller's signature, the address of his regular place of business, and his license or trainee registration number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The receipt also shall specify whether the hearing aid is new, used, or rebuilt and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the receipt shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries and other accessories, and any services. Notice of the availability of this service ~~must shall~~ be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the ~~Division of Consumer Services of the department of Agriculture and Consumer Services~~. The address and telephone number of ~~the department such office~~ shall be stated on the receipt.

Section 128. The Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists shall adopt rules requiring that each person purchasing a hearing aid be notified of telecoil, "t" coil, or "t" switch technology by the attending audiologist or hearing aid specialist. The rules shall further provide that all licensed audiologists and hearing aid specialists make available to persons information regarding telecoils, "t" coils, or "t" switches. Each board shall adopt such rules by October 1, 1994.

Section 129. Section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) For purposes of this section, "department" means the Department of Business and Professional Regulation.

(2) The department may perform, provide, contract for, or grant approval for others to perform or provide certification services and commodities set forth in this section. A provider shall pay to the department all reasonable costs and expenses the department expects to incur in order to evaluate the provider's application, its services and commodities, and its performance during delivery of such services and commodities.

(3)(4) A person must be certified pursuant to this section, except a registered nurse or practical nurse licensed in accordance with the provisions of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules promulgated by the Board of Nursing pursuant to chapter 464, to serve as a nursing assistant in any nursing home. The department of Professional Regulation shall issue a certificate to any person who:

(a) Has successfully completed a nursing assistant program in a state-approved school and has achieved a minimum score, ~~established by the department, of 75 percent on the written portion of the Florida nursing assistant certification test authorized and administered in a manner determined approved by the department of Professional Regulation and administered by state-approved test site personnel;~~

(b) Has achieved a minimum score, ~~established by the department, of 75 percent on the written and performance portions of the Florida nursing assistant certification test authorized and administered in a manner determined approved by the department of Professional Regulation and administered by state-approved test site personnel;~~ or

(c) Is currently certified in another state, is on that state's registry, and has no findings of abuse, ~~and has achieved a minimum score of 75 percent on the written portion of the Florida Nursing Assistant Certification Test approved by the Department of Professional Regulation and administered by state-approved test site personnel.~~

An oral examination shall be administered upon request.

(4)(2) The department of Professional Regulation may deny, suspend, or revoke the certification of any person to serve as a nursing assistant in a nursing home, based upon written notification from a court of competent jurisdiction, law enforcement agency, or administrative agency of an adjudication of guilt or a plea of nolo contendere to: homicide, mayhem, animal abuse, child abuse, abuse of the elderly or developmentally disabled, aggravated battery, felonious assault, any felony involving a firearm, or any confirmed report of abuse or neglect of an aged person, a developmentally disabled person, or a child.

(5)(3) ~~Persons who are enrolled in a state-approved nursing assistant program~~ The following categories of persons who are not certified as nursing assistants under this part may be employed by a nursing facility for a period of 4 months:

(a) ~~Persons who are enrolled in a state-approved nursing assistant program; or~~

(b) ~~Persons who have been positively verified by a state approved test site as certified and on the registry in another state with no findings of abuse, but who have not completed the written examination required under this section.~~

The certification requirement must be met within 4 months of initial employment as a nursing assistant in a licensed nursing facility.

(6)(4) A certification under this section obtained on or after September 30, 1990, shall expire by operation of law and without any further action by the department when the certified nursing assistant has not performed, or has performed and failed to report, any nursing or nursing-related services for compensation in a 24-consecutive-month period, as defined by department rule. Expiration of the certification requires the nursing assistant to be recertified before being eligible to work in a nursing facility. At least 90 days prior to the expiration of the biennial reporting period, the department shall notify the certified nursing assistant at the assistant's last address known to the department of the requirements for compliance with this section. The notice shall include a statement that failure to timely provide the department with the required report and fees will result in the expiration of the nursing assistant's certification. Pursuant to procedures set forth by the department, the certified nursing assistant shall report any employment for compensation as a nursing assistant during the 24-consecutive-month reporting period. The department shall charge a fee to the nursing assistant, not to exceed \$25, for processing the biennial

~~report of employment required under this section. A person certified under this section on or after September 30, 1990, who has not worked for pay as a nursing assistant in a nursing-related occupation for a period of time during a consecutive 24-month period must be recertified under this section to be eligible to work in a nursing facility.~~

(7)(6) Every certified nursing assistant, hired by a nursing home facility on or after October 1, 1993, must, within 5 working days after starting employment at a nursing home facility, submit to the facility a complete set of information necessary to conduct a records check through the central abuse registry under chapter 415 and a statewide criminal records correspondence check through the Department of Law Enforcement. The facility shall submit the information provided by the employee, within 48 hours, to the Department of Health and Rehabilitative Services' central abuse registry and to the Department of Law Enforcement, which shall conduct a screening according to the provisions of s. 400.497(2).

(8)(6) Nursing homes shall require persons seeking employment as a certified nursing assistant to submit an employment history to the facility. The facility shall verify the employment history unless, through diligent efforts, such verification is not possible. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, a former employer who reasonably and in good faith communicates his honest opinion about a former employee's job performance.

(9)(7) If the requirements pursuant to the Omnibus Budget Reconciliation Act of 1987, as amended, for the certification of nursing assistants are in conflict with this section, the federal requirements shall prevail for those facilities certified to provide care under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act.

(10)(8) ~~The department of Professional Regulation may adopt such rules as are necessary to carry out this section.~~

Section 130. Legislative findings and intent.—The Legislature finds that the full regulation of athletic training and athletic trainers is in the public interest and that without such regulation there is substantial threat to the public welfare. It is the intent of the Legislature that athletes be assisted by persons adequately trained to recognize, prevent, and treat physical injuries sustained during athletic activities. It is the intent of the Legislature to protect the interest of athletes by immediately registering athletic trainers and fully regulating athletic trainers based on the regulatory recommendations of the task force created by section 134 of this act.

Section 131. Definitions.—As used in sections 130-135 of this act, the term:

(1) "Athlete" means a natural person who participates in an athletic activity.

(2) "Athletic activity" means the participation in an activity conducted by an educational institution, a professional athletic organization, or an amateur organization, involving exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

(3) "Athletic injury" means an injury sustained by an athlete which affects the athlete's participation or performance in athletic activity.

(4) "Athletic trainer" means a natural person registered under sections 130-135 of this act.

(5) "Athletic training" means the recognition, prevention, and treatment of athletic injuries by an athletic trainer for compensation.

(6) "Department" means the Department of Business and Professional Regulation.

Section 132. Registration.—Any person practicing athletic training shall register with the department on forms provided by the department, pay a registration fee not to exceed \$200, and provide evidence satisfactory to the department that the applicant has:

(1)(a) Obtained a baccalaureate degree from a college or university and has completed coursework in each of the following areas: health; human anatomy; kinesiology/biomechanics; human physiology; physiology of exercise; basic athletic training; and advanced athletic training;

(b) Maintained standard first aid and cardiovascular pulmonary resuscitation certification from the American Red Cross or an equivalent certification as determined by the department; and

(c) Within a 2-year period, attained a minimum of 800 hours of athletic training experience under the direct supervision of a registered athletic trainer, an athletic trainer certified by the National Athletic Trainers' Association Board of Certification, or an athletic trainer certified by a national athletic training standards organization with comparable certification standards as determined by the department; or

(2) Practiced athletic training for at least 3 years of the 5 years preceding application. The department may not register an applicant under this subsection after October 1, 1996.

Section 133. The department is authorized to make such rules not inconsistent with law as may be necessary to carry out the provisions of sections 130-135 of this act and chapter 455, Florida Statutes, and to protect the health, safety, and welfare of the public.

Section 134. Athletic Training Regulatory Task Force.—

(1) There is created within the Department of Business and Professional Regulation the Athletic Training Regulatory Task Force to assist the department in developing the proper regulatory scheme for athletic trainers. The department shall make its regulatory recommendations to the Legislature by December 31, 1994. The secretary of the department shall appoint members of the task force. The task force shall have five members. Members shall serve at the pleasure of the secretary.

(2) The task force shall elect from its appointed members a chairperson and a vice chairperson.

(3) The task force shall meet at least once annually and may meet as often as is necessary. The chairperson, a quorum of the task force or the department shall have the authority to call other meetings. A quorum shall be necessary for the purpose of conducting official business of the task force. Fifty-one percent or more of the appointed members of the task force shall constitute a quorum.

(4) The task force shall use accepted rules of procedure to conduct its meetings. The department shall keep on file a complete record of each meeting.

(5) Members of the task force shall receive no compensation for their services, except that they shall receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(6) The task force may hold public meetings and may request that the department use its power to obtain information or evidence for consideration by the task force.

(7) The department shall provide administrative and staff support services relating to the functions of the task force.

Section 135. Exemptions.—Nothing in sections 130-135 of this act shall be construed as preventing or restricting:

(1) The professional practice of a licensee of the department who is acting within the scope of such practice.

(2) A student athletic trainer acting under the direct supervision of a registered athletic trainer.

(3) A person employed as a teacher apprentice trainer under s. 232.435, Florida Statutes.

(4) A person licensed under chapter 548, Florida Statutes.

Section 136. Sections 130-135 of this act, relating to the regulation of athletic trainers, shall take effect October 1, 1994.

Section 137. There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation the sum of \$9,700 in the appropriation category of Other Personal Services to implement the provisions of this act relating to the regulation of athletic trainers.

Section 138. Effective upon this act becoming a law, subsections (2) and (3) of section 466.007, Florida Statutes, are amended to read:

466.007 Examination of dental hygienists.—

(2) An applicant shall be entitled to take the examinations required in this section to practice dental hygiene in this state if *the applicant* ~~he~~:

(a) Is 18 years of age or older.

(b) Is *either*:

1. A graduate of a dental hygiene college or school approved by the board or accredited by the Commission on Accreditation of the American Dental Association or its successor agency; or-

2. A graduate of a dental college or school and has met the requirements of subsection (3).

(c)1. Has successfully completed the National Board of Dental Hygiene examination within 10 years of the date of application; or-

2. In the case of a graduate of a dental college or school accredited in accordance with s. 466.006(2)(b), has successfully completed either the National Board of Dental Hygiene Examination or the National Board of Dental Examiners dental examination, within 10 years of the date of application, and received certification by the American Dental Association Joint Commission on National Dental Examinations within 10 years of the date of application.

(3) A graduate of a foreign dental college or school ~~not accredited in accordance with s. 466.006(2)(b)~~ shall be entitled to take the examinations required in this section to practice dental hygiene in this state if, in addition to the requirements specified in subsection (2), the graduate meets the following requirements:

(a) ~~Is 18 years of age or older.~~

(a)(b) Submits the following credentials for review by the board:

1. Transcripts of predental education and dental education totaling 7 academic years of postsecondary education, including 4 academic years of dental education; and

2. A dental school diploma which is comparable to a D.D.S. or D.M.D.

Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant to this paragraph. The provisions of this paragraph notwithstanding, an applicant of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) who cannot produce the credentials required by this paragraph, as a result of political or other conditions in the country in which he received his education, may seek the board's approval of his educational background by submitting, in lieu of the credentials required in this paragraph, such other reasonable and reliable evidence as may be set forth by board rule. The board shall not accept such other evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained.

(b)(e) ~~Successfully completes one or more courses, of a scope and duration approved and defined by board rule, that meet the requirements of law for instructing health care providers on the human immunodeficiency virus and acquired immune deficiency syndrome. In addition, the board may require an applicant who graduated from a nonaccredited dental college or school to successfully complete additional coursework, as defined by board rule, at an educational institution approved by the board or accredited as provided in paragraph (2)(b)1. Successfully completes a coursework of study, as approved and defined by board rule at an established Dental Hygiene Program accredited by the Commission on Accreditation of the American Dental Association or its successor agency, or approved by the board. This program shall be limited to unlicensed dentists who are graduates of foreign dental schools. A demonstration of competency in radiography and a clinical competency assessment by performance of a prophylaxis on a patient, at an accredited dental hygiene program, for evaluation of clinical skills only, shall be required. The applicant shall be responsible for all costs of the comprehensive examination and clinical assessment. A minimum of 12 months or 19 semester hours of supervised clinical and didactic education which may be completed simultaneously shall be required before graduation from the program. The 19 semester hours will include, but not be limited to, 12 semester hours of clinic, 5 semester hours of didactic coursework, and 2 semester hours of medical emergencies, including CPR certification and AIDS course requirements as defined by rule. The laws and rules of the state regulating the practice of dental hygiene shall be offered in a course separate and apart from the required 19 semester hours. A graduate of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) may not take the coursework set forth in this paragraph until the board has approved the credentials required by paragraph (a) (b).~~

~~(d) Successfully completes the National Board of Dental Hygiene examination and certified by the American Dental Association Joint Commission on National Dental Examinations within 10 years of the date of application.~~

Section 139. Effective upon this act becoming a law, section 455.2222, Florida Statutes, is created to read:

455.2222 Requirement for instruction on domestic violence.—

(1)(a) As of July 1, 1994, the appropriate board shall require each person licensed or certified under chapter 458, chapter 459, chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a 1-hour continuing education course, approved by the board, on domestic violence, as defined in s. 741.30, as part of biennial relicensure or recertification. The course shall consist of information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, and child protection services.

(b) Each such licensee or certificateholder shall submit confirmation of having completed such course, on a form as provided by the board, when submitting fees for each biennial renewal.

(c) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements of paragraph (a). Each licensing board that requires a licensee to complete an educational course pursuant to this subsection may include the hour required for completion of the course in the total hours of continuing education required by law for that profession, unless the continuing education requirements for that profession consist of fewer than 30 hours biennially.

(d) Any person holding two or more licenses subject to the provisions of this subsection shall be permitted to show proof of having taken one board-approved course on domestic violence, for purposes of relicensure or recertification for additional licenses.

(e) Failure to comply with the requirements of this subsection shall constitute grounds for disciplinary action under each respective practice act and under s. 455.227(1)(g). In addition to discipline by the board, the licensee shall be required to complete such course.

(2) The board shall also require, as a condition of granting a license under any chapter specified in paragraph (1)(a), that each applicant for initial licensure under that chapter complete an educational course acceptable to the board on domestic violence which is substantially equivalent to the course required in subsection (1). An applicant who has not taken such a course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete this requirement.

(3) The board may adopt rules to carry out the provisions of this section.

(4) The board shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature by March 1 of each year as to the implementation of and compliance with the requirements of this section.

Section 140. Effective upon this act becoming a law, subsection (5) of section 455.2226, Florida Statutes, is amended to read:

455.2226 Requirement for instruction on human immunodeficiency virus and acquired immune deficiency syndrome.—

(5) Failure to comply with the above requirements shall constitute grounds for disciplinary action under each respective licensing chapter and s. 455.227(1)(h)(e). In addition to discipline by the board, the licensee shall be required to complete said course.

Section 141. Effective upon this act becoming a law, paragraphs (g) and (h) of subsection (1) of section 455.227, Florida Statutes, are redesignated as paragraphs (h) and (i), respectively, and a new paragraph (g) is added to said subsection, to read:

455.227 Grounds for discipline; penalties; enforcement.—

(1) The board shall have the power to revoke, suspend, or deny the renewal of the license, or to reprimand, censure, or otherwise discipline a licensee, if the board finds that:

(g) *The licensee has failed to comply with the educational course requirements for domestic violence;*

(h)(g) The licensee has failed to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome; or

(i)(h) The licensee has had a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

Section 142. Because the current licensure procedures for foreign-trained and foreign-licensed professionals are criticized as restrictive and difficult to administer, the Department of Business and Professional Regulation is directed to provide recommendations to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate legislative committees of substance by December 1, 1994, for a uniform licensing system that protects the public and allows such professionals to demonstrate their competency.

Section 143. Notwithstanding the provisions of s. 458.311 or s. 458.313, Florida Statutes, any foreign-trained physician who completed, in November 1990 or 1992, a special preparatory medical update course authorized by the Florida Board of Medicine and the University of Miami Medical School and who subsequently passed the final course examination and the MOCK FLEX examination or who have a certificate of successful completion from the University of Miami is exempt from taking any licensure examination required by either of those sections, including the licensure examination of the National Board of Medical Examiners or of the Federation of State Medical Boards of the United States, Inc. (FLEX) or the United States Medical Licensing Examination (USMLE).

(1) Any such foreign-trained physician shall be issued a restricted license if the person:

(a) Applies to the department and submits an application fee which is non-refundable and equivalent to that for full licensure; and

(b) Graduated from an allopathic medical school or allopathic college; and

(c) Is not under discipline, investigation or prosecution in any jurisdiction for an action which would constitute a violation of chapter 455 or 458 and which substantially threatened or threatens the public's health, safety or welfare.

(2) The board or the department may require an applicant to appear before the board or the department before issuing the restricted license. The board or the department may impose reasonable conditions on the applicant's license to practice medicine. These conditions may include:

(a) Periodic and random departmental audits of the licensee's patient records and review of those records by the board or the department.

(b) Periodic appearances of the licensee before the board or the department.

(c) Submission of written reports to the board or the department.

A restricted licensee shall practice under the direct supervision of a full licensee.

(3)(a) A restricted license issued by the department pursuant to this section shall be valid for two years. A restricted licensee shall be subject to the requirements of chapter 455 and 458, and other law not in conflict with this section. Upon expiration of the restricted license, a restricted licensee shall become a full licensee if the restricted licensee:

1. Is not under discipline, investigation or prosecution for a violation which posed or poses a substantial threat to the public's health, safety or welfare; and

2. Pays all renewal fees required of a full licensee.

(b) The department shall renew a restricted license upon payment of the same fees required for renewal for a full license if the restricted licensee is under discipline, investigation or prosecution for a violation which posed or poses a substantial threat to the public's health, safety or welfare and the board or the department has not permanently revoked the restricted license. A restricted licensee who has renewed the license shall become eligible for full licensure when the licensee is no longer under discipline, investigation or prosecution.

(5) The board shall adopt rules necessary to carry out the provisions of this section.

Section 144. Effective July 1, 1994, a new subsection (17) is added to section 404.051, Florida Statutes, to read:

404.051 Powers and duties of the Department of Health and Rehabilitative Services.—For protection of the public health and safety, the department is authorized to:

(17) *Develop healing arts self-referral programs using ionizing radiation machines for mammography and bone densitometry. Such programs shall be developed with regards to compatibility and consistency with state and federal radiation protection programs.*

Section 145. Section 455.214, Florida Statutes, is amended to read:

455.214 Limited licenses.—

(4) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions which meet the requirements of s. 501(c)(3) of the Internal Revenue Code, and which provide professional liability coverage for acts or omissions of the limited licensee. A limited licensee may provide services only to the indigent, underserved, or critical need populations within the state. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The board, or the department when there is no board, may adopt rules to define underserved and critical need areas and to ensure implementation of this section.

Section 146. Section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)

(d) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in the areas of critical medical need as determined by the board. Determination of medically underserved areas shall be made by the board after consultation with the Department of Health and Rehabilitative Services and statewide medical organizations; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 147. Subsection (3) of section 455.207, Florida Statutes, is amended to read:

455.207 Boards; organization; meetings; compensation and travel expenses.—

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. *With the exception of statutorily created committees, the membership of committees established by the board shall be com-*

posed of currently appointed members of the board. The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

Section 148. Subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed \$300, an affidavit stating that he has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and has retired or intends to retire from the practice of medicine and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he will not receive monetary compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. *Any person who receives a waiver of fees for a limited license shall pay such fees if the person receives monetary compensation for the practice of medicine.*

2. Meet the requirements in s. 458.311(1)(b)-(f) and (5). *An applicant for a limited license shall not be required to provide a copy of the applicant's degree from an allopathic medical school or college.* If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(b) After approval of an application under this section, no license shall be issued until the applicant provides to the board an affidavit that the applicant has in fact retired from the practice of medicine in this or any other jurisdiction in which the applicant holds a license and that there have been no substantial changes in status since initial application.

(c) If it has been more than 5 ½ years since active practice was conducted by the applicant, the full-time director of the county public health unit or a licensed physician, approved by the board, shall supervise the applicant for a period of 6 months after he is granted a limited license for practice, unless the board determines that a shorter period of supervision will be sufficient to ensure that the applicant is qualified for licensure. Procedures for such supervision shall be established by the board.

(d) The recipient of a limited license may practice only in the employ of any public agencies or institutions or nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in the areas of critical medical need as determined by the board. Determination of medically underserved areas shall be made by the board after consultation with the Department of Health and Rehabilitative Services and statewide medical organizations; however, such determination shall include, but not be limited to, health manpower shortage areas designated by the United States Department of Health and Human Services.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 149. Section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—No person other than a licensed pharmacist or pharmacy intern may engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to non-licensed pharmacy technicians those duties, tasks, and functions which do not fall within the purview of s. 465.003(12). All such delegated acts shall be performed under the direct supervision of a licensed pharmacist who shall be responsible for all such acts performed by persons under his supervision. *A pharmacy technician, under the direct supervision of a*

pharmacist, may initiate or receive nonprofessional communications with a practitioner, on behalf of the patient, regarding the status of a prescription and whether a refill would be appropriate. No licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one but not more than two pharmacy technicians.

Section 150. (1) Section 33 of chapter 92-33, Laws of Florida, as amended by section 5 of chapter 93-129, Laws of Florida, and section 32 of chapter 92-33, Laws of Florida, as amended by section 4 of chapter 93-129, Laws of Florida, are repealed.

(2) This section shall take effect upon becoming a law.

Section 151. Except as otherwise provided herein, this act shall take effect July 1, 1994.

And the title is amended as follows:

In title, on page 1, line 2 through page 16, line 17, strike all said lines and insert: An act relating to regulation of professions; creating s. 455.2185, F.S.; exempting from state licensure requirements out-of-state or foreign professionals who are employed or designated by a sports entity visiting the state for a specific sporting event; providing limits on the practice permitted such professionals; repealing ss. 458.3095 and 459.0051, F.S., relating to exemption from state licensure requirements for physicians licensed in another state who are employed or designated by a sports entity visiting the state for a specific sporting event, to conform; creating s. 455.2142, F.S.; revising continuing education requirements for health care practitioners serving in the Legislature; amending s. 455.2226, F.S.; requiring persons licensed or certified under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 455.261, F.S.; providing that certain information obtained by impaired practitioner consultants and the Department of Business and Professional Regulation is immune from discovery in civil actions; amending s. 458.307, F.S., relating to the Board of Medicine; eliminating a provision relating to probable cause panels; amending s. 455.206, F.S.; correcting a cross-reference; amending s. 458.311, F.S.; revising licensure requirements for medical physicians; revising an educational and postgraduate training requirement; allowing certain applicants to complete a fellowship to partially satisfy the licensing requirements; requiring applicants to provide sufficient information and fingerprints; revising a restriction on the number of times an applicant may fail the examination to include remediation after a certain number; eliminating a provision relating to restricted licensure of foreign-trained physicians, which provision was repealed on October 1, 1993; providing for those foreign-trained physicians to pursue licensure notwithstanding the repeal of that provision; reenacting s. 458.310(2)(a), F.S., relating to restricted licenses, to incorporate the amendment to s. 458.311, F.S., in a reference thereto; amending s. 458.313, F.S.; revising requirements for licensure by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; correcting a cross-reference; amending s. 458.3145, F.S., relating to medical faculty certificates; revising renewal requirements; removing provisions relating to extent of practice; revising a provision relating to the maximum number of certificateholders authorized at specified institutions and facilities; amending ss. 458.316, 458.3165, 458.317, F.S.; correcting cross-references; amending s. 458.319, F.S.; clarifying requirements for renewal of license; creating s. 458.326, F.S.; authorizing physicians to prescribe or administer controlled substances for the treatment of intractable pain and providing requirements thereof; creating ss. 458.3312 and 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331 and 459.015, F.S.; revising and providing grounds for disciplinary action; reenacting ss. 458.311(1)(d) and (5), 458.313(7), and 458.345(1)(b), F.S., relating to licensure by examination, licensure by endorsement, and registration of resident physicians, interns, and fellows, to incorporate the amendment to s. 458.331, F.S., in references thereto; amending s. 458.347, F.S.; revising requirements for certification of physician assistants certified under ch. 459, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; revising certain other requirements for certification; deleting provisions relating to reactivation of an inactive certificate as a physi-

cian assistant and to automatic expiration of the certificate; amending s. 459.022, F.S.; revising requirements for certification of physician assistants certified under ch. 458, F.S.; defining the term "continuing medical education"; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; amending s. 766.1115, F.S., to conform; correcting a definition; amending s. 459.007, F.S.; revising requirements for licensure as an osteopathic physician by endorsement; amending s. 459.011, F.S.; providing that it is state policy that physicians licensed under chapter 458 and osteopathic physicians licensed under chapter 459 be accorded equal professional status and privileges and providing requirements with respect thereto; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractor by examination; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; providing for reinstatement of certain chiropractor licenses; creating s. 461.0055, F.S.; providing for investigation of the qualifications of applicants for licensure as a podiatrist; creating s. 461.011, F.S.; prohibiting sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; revising and providing grounds for disciplinary action; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), and 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care services, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013 and 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; creating s. 461.019, F.S.; providing for a podiatric medical faculty certificate; amending s. 463.006, F.S.; revising accreditation provisions relating to licensure as an optometrist; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing; amending s. 464.005, F.S.; requiring the board's executive director to be a registered nurse; amending s. 464.008, F.S.; providing that applicants for licensure as a registered or licensed practical nurse are responsible for the fee required by the Department of Law Enforcement for background checks; amending s. 464.015, F.S.; revising the period during which the terms "Graduate Nurse" and "Graduate Practical Nurse" and their corresponding abbreviations may be used; amending s. 464.022, F.S.; revising and providing exemptions from regulation under ch. 464, F.S., relating to nursing; amending s. 465.003, F.S.; revising the definition of "practice of the profession of pharmacy"; providing the definition of "kidney dialysis home health care system"; amending ss. 465.014, 465.015, and 499.003, F.S.; correcting cross-references; creating s. 465.0075, F.S.; providing for licensure of certain foreign-trained pharmacists; providing for future repeal of the section; creating s. 465.0105, F.S.; providing for a pharmacy specialist certificate; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and Doctors of Pharmacy; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.0196, F.S.; providing requirements for issuance of special pharmacy permits to operators of kidney dialysis home health care systems; providing for the operation of certain non-profit pharmacies; correcting a cross-reference; amending s. 465.186, F.S.; increasing the membership of the committee responsible for establishing the formulary of medicinal drug products and dispensing procedures; amending s. 831.30, F.S., relating to the offense of fraudulently obtaining medicinal drugs; revising a cross-reference; amending s. 466.003, F.S.; defining "oral and maxillofacial surgery"; amending s. 466.004, F.S.; revising purpose of the Council on Dental Hygiene; amending s. 466.006, F.S.; adding a qualification for taking the examination for licensure as a dentist; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; increasing the administrative fine; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.006 and 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for dentists holding themselves out as specialists; creating s. 466.045, F.S.; providing for annual accountings of various licensure fees collected under ch. 466, F.S., relating to dentistry, dental hygiene, and dental laboratories; amending s. 467.009, F.S.; revising and providing requirements for midwifery educational programs; reenacting s. 467.205(1), (3), and (4), F.S., relating to approval of midwifery programs, to incorporate the amendment to s. 467.009, F.S., in references thereto; amending s. 468.1115, F.S.; providing an exemption from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; increasing certain licensure, certification, and inactive status fees; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing that applicants for dual licensure in speech-language pathology and audiology are not required to hold

a second master's degree; amending s. 468.1215, F.S.; revising accreditation provisions relating to certification as a speech-language pathology assistant or as an audiology assistant; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license or failing to notify the board of a change in mailing address within a specified time; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.209, F.S.; revising licensure requirements for licensure as an occupational therapist or occupational therapist assistant; providing for certain temporary permits; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending s. 468.301, F.S.; defining "mammographer"; amending s. 468.302, F.S.; adding the certification category of mammographer; specifying which certificateholders may perform mammography and brachytherapy; revising the supervision required for hospital residents and students; amending s. 468.304, F.S.; modifying qualifications for certification; specifying qualifications for certification as a mammographer; amending s. 468.306, F.S.; modifying examination qualifications; amending s. 468.3065, F.S.; specifying a nonrefundable fee; amending s. 468.307, F.S., conforming qualifications for temporary certification; modifying requirements for the display of certificates; creating s. 468.3071, F.S.; providing for mammographer certification based on prior experience; providing for future repeal; amending s. 468.309, F.S.; revising the expiration date of certificates; amending s. 468.3095, F.S.; specifying a nonrefundable fee; amending s. 468.311, F.S.; revising an offense for which a penalty is provided; amending s. 468.314, F.S.; increasing the membership of the Advisory Council on Radiation Protection by adding a certified radiologic technologist-mammography and a representative of the Department of Education; deleting obsolete provisions relating to staggered terms; providing for appointment of replacement members under specified circumstances; specifying source of reimbursement for travel expenses; redefining the scope of the advisory council; deleting obsolete Sundown provisions; amending s. 468.509, F.S.; revising accreditation provisions relating to licensure as a dietitian/nutritionist; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.42, F.S.; revising the definition of "electrolysis or electroly"; amending s. 478.44, F.S.; increasing membership of the Electrolysis Council; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; providing for the approval of an electrology licensure examination; amending ss. 478.46 and 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; creating s. 478.475, F.S.; providing for licensure without examination; amending s. 483.035, F.S.; providing responsibility of the Agency for Health Care Administration for personnel standards for exclusive use laboratories; amending s. 483.041, F.S.; including licensed optometrists within the definition of "licensed practitioner" for purposes of laws regulating clinical laboratories; amending s. 483.051, F.S.; revising provisions relating to alternate-site testing; providing responsibility of the agency; providing certain responsibilities of clinical laboratory directors; deleting requirement for consultation with the Board of Clinical Laboratory Personnel; directing the agency to solicit certain comments; specifying a testing protocol; specifying minimum training and education for those who perform testing; amending ss. 483.23, 483.800, 483.801, 483.803, and 483.813, F.S.; providing that provisions governing the regulation and licensure of clinical laboratory personnel do not apply to persons engaged in alternate-site testing or in testing performed at practitioners' exclusive use laboratories or laboratories that perform only waived tests; revising the definition of "clinical laboratory personnel"; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 483.26, F.S.; requiring establishment of a technical advisory panel; providing composition; amending s. 483.811, F.S.; deleting reference to board responsibility for regulation of personnel in laboratories operated under s. 483.035, F.S.; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; amending s. 483.827, F.S.; revising administrative penalties; creating s. 483.828, F.S.; providing criminal penalties for specified violations; amending ss. 484.002 and 484.003, F.S.; correcting a reference; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit; providing requirements when there is a change in ownership; amending s. 484.013, F.S.; prohibiting the opening or operating of unpermitted optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to optical establishment permitholders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses

and other optical devices; providing an appropriation to implement the permitting of optical establishments; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending ss. 486.021, 486.081, 486.102, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 490.005, F.S., relating to licensure of psychologists and school psychologists; increasing application fees; revising accreditation and other educational requirements; amending s. 490.006, F.S.; revising psychology licensure by endorsement requirements; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; revising accreditation provisions relating to licensure as a marriage and family therapist or as a mental health counselor; creating s. 491.0055, F.S.; providing for licensure of certain persons as mental health counselors under special conditions involving a district court order; providing for future repeal of the section; amending ss. 468.1245 and 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the Department of Business and Professional Regulation; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "t" switch technology; amending s. 400.211, F.S.; revising certification requirements for nursing assistants; authorizing the Department of Business and Professional Regulation to perform, provide, contract for, or grant approval for others to perform or provide nursing assistant certification services and commodities; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rule-making authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; providing an appropriation to implement the regulation of athletic trainers; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; creating s. 455.2222, F.S.; requiring persons licensed or certified to provide certain medical, dental, social, or counseling services to take a course on domestic violence as part of their continuing education requirements; requiring applicants for initial licensure to take such a course; providing duties of the affected professional boards relating to such requirements and granting rulemaking authority therefor; requiring each affected professional board to submit an annual report to the Legislature; amending s. 455.2226, F.S., to correct a cross-reference; amending s. 455.227, F.S.; making failure to comply with such educational course requirements a ground for disciplinary action; providing penalties; requiring the Department of Business and Professional Regulation to provide recommendations to the Legislature for a uniform licensing system for foreign-trained and foreign-licensed professionals; providing for issuance of restricted medical licenses without examination to a specified group; providing guidelines for issuance of such restricted license; amending s. 404.051, F.S.; directing the Department of Health and Rehabilitative Services to develop certain healing arts self-referral programs for mammography and bone densitometry; amending ss. 455.214 and 458.317, F.S.; allowing limited licensees to work for certain agencies or institutions; amending s. 455.207, F.S.; providing that the membership of committees established by boards within the Department of Business and Professional Regulation must consist of currently appointed members of the appointing board unless otherwise specified by law; amending s. 458.317, F.S.; providing for fees if a person receives monetary compensation for the practice of medicine; providing an applicant need not provide a copy of medical degree; amending s. 465.014, F.S.; revising tasks and duties delegated to a pharmacy technician; repealing ss. 32 and 33 of ch. 92-33, Laws of Florida, relating to the transfer of certain regulatory functions from the Department of Business and Professional Regulation to the Agency for Health Care Administration; providing effective dates.

On motion by Senator Dyer, further consideration of **HB 2413** with pending **Amendment 1** was deferred.

Consideration of **CS for SB's 2478, 2702 and 2750** was deferred.

CS for SB 1582—A bill to be entitled An act relating to agriculture; amending s. 581.031, F.S.; revising powers and duties of the Department of Agriculture and Consumer Services; amending s. 581.083, F.S.; establishing an application fee for special permits; amending s. 581.131, F.S., relating to certificates of registration; providing requirements for advertising; amending s. 581.212, F.S.; revising provisions relating to moneys deposited in the Plant Industry Trust Fund; amending s. 586.045, F.S.; requiring the department to provide written notice and renewal forms to beekeepers and allowing for extension; creating s. 586.112, F.S.; providing for stop-sale and stop-movement of honeybees, honeybee products, and beekeeping equipment; repealing s. 586.165, F.S., relating to a pilot apiary protection program; providing an effective date.

—was read the second time by title.

Senator Williams moved the following amendment which failed:

Amendment 1 (with Title Amendment)—On page 5, between lines 10 and 11, insert:

Section 7. Subsection (2) of section 581.145, Florida Statutes, is amended to read:

581.145 Aquatic plant nursery registration; special permit requirements.—

(2) It is ~~shall be~~ unlawful for any nursery or nursery stock dealer to import, transport, cultivate, collect, sell, or possess any noxious aquatic plant listed on the prohibited aquatic plant list established by the Department of ~~Environmental Protection Natural Resources~~ in s. 369.25(3)(a) without a special permit issued by the department.

(a) No special permit shall be issued until the department determines that the proposed activity poses no threat or danger to the waters, wildlife, natural resources, agriculture, or environment of the state.

(b) *Notwithstanding any other provision of law, the department may issue a special permit, in accordance with paragraph (a), to a nursery or a nursery stock dealer to engage in a business involving the transportation, collection, sale, or possession of water hyacinths (*Eichhornia crassipes*). The interstate sale of water hyacinths shall be permitted to the extent not prohibited by federal law or the laws of another state. Intrastate sale of water hyacinths and importation of water hyacinths into this state are prohibited. The department shall regulate nurseries and nursery stock dealers engaged in businesses involving the transportation, collection, sale, or possession of water hyacinths in a manner that assures that the health, safety, and welfare of the residents of this state are adequately safeguarded.*

~~(b) The department may not issue a special permit with respect to a prohibited aquatic plant species if the Department of Natural Resources prohibits the importation, transportation, cultivation, collection, sale, or possession of the species.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 17, after the semicolon (;) insert: amending s. 581.145, F.S.; revising provisions prohibiting certain activities by nurseries or nursery stock dealers with respect to prohibited aquatic plants; revising requirements for special permits with respect to certain prohibited aquatic plant species;

On motion by Senator Foley, by two-thirds vote **CS for SB 1582** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

CS for SB 2522—A bill to be entitled An act relating to information technology resources and communications; amending s. 20.22, F.S.; changing the name of the Administrative Management Information Center of the Department of Management Services; amending s. 215.22, F.S.; exempting certain proceeds of the Communications Working Capi-

tal Trust Fund from a service charge; creating s. 282.20, F.S.; designating the Technology Resource Center of the Department of Management Services as an information system utility; assigning duties; creating a data processing policy board for the center; specifying members; authorizing experiments and pilot projects using information technology resources; providing funding; authorizing expenditure of reserve account funds; amending s. 282.304, F.S., relating to the Information Resource Commission; redesignating the executive administrator of the commission as the executive director; specifying independence of the commission; specifying duties of the executive director; repealing s. 282.306, F.S., relating to the executive administrator of the commission; amending s. 282.307, F.S.; requiring agency information resources management plans to be consistent with state agency strategic plans; amending s. 282.308, F.S.; correcting terminology to conform; amending s. 186.021, F.S.; requiring state agency strategic plans to identify information resources management needs associated with agency programs; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider in its review of state agency strategic plans the findings of the Information Resource Commission with respect to strategic information resources management issues; amending ss. 110.173, 215.96, 216.0445, 282.1021, 282.303, 282.305, 282.3061, 282.314, 282.403, 282.502, 287.073, F.S.; conforming references in those sections to the redesignation of the executive administrator of the commission as the executive director; providing an effective date.

—was read the second time by title.

Senator Boczar moved the following amendments which were adopted:

Amendment 1 (with Title Amendment)—On page 3, strike line 8 and insert:

1. Bureau of ~~Federal Surplus~~ Property Assistance.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-5 and insert: An act relating to the management of government; amending s. 20.22, F.S.; changing the names of the Bureau of Surplus Property and the Administrative Management Information Center of

Amendment 2 (with Title Amendment)—On page 21, between lines 2 and 3, insert:

Section 21. Section 274.05, Florida Statutes, is amended to read:

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder to whom offered, the governmental unit first shall offer surplus property to other governmental units in the county or district *or shall have the discretion to offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation*; and, second, if no acceptable bid is received within a reasonable time, shall offer such property to such other governmental units *or private nonprofit agencies* as shall be determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit that made the successful bid *or the private nonprofit agency purchasing or receiving the donation of the surplus property*.

Section 22. Section 274.06, Florida Statutes, is amended to read:

274.06 Alternative procedure.—Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit estimates to be *under \$5,000 between \$100 and \$200*, shall be sold only to the

highest responsible bidder after a request for at least three bids, or by public auction. Any sale of property the value of which the governmental unit estimates to be *\$5,000 \$200* or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than *\$5,000 \$200*.

Section 23. Subsections (1) and (2) of section 388.323, Florida Statutes, are amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment no longer needed by a county or district shall first be offered to any or all other counties or districts engaged in arthropod control at a price established by the board of commissioners owning the equipment. If no acceptable offer is received within a reasonable time, the equipment shall be offered to such other governmental units *or private nonprofit agencies as provided defined in s. 274.05*.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, shall be followed if it has been determined no other county, district, *or* governmental unit, *or private nonprofit agency* has need for the equipment.

Section 24. Subsection (3) is added to section 273.01, Florida Statutes, to read:

273.01 Definitions.—The following words as used in this act have the meanings set forth in the below subsections, unless a different meaning is required by the context.

(3) "*Private nonprofit agency*" means a nonprofit charitable organization, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, which has been held to be tax exempt under the provisions of s. 501 of the Internal Revenue Code of 1954, and which has as its principal mission:

- (a) Public health and welfare;
- (b) Education;
- (c) Environmental restoration and conservation;
- (d) Civil and human rights; or
- (e) The relief of human suffering and poverty.

Section 25. Section 273.03, Florida Statutes, is amended to read:

273.03 Property supervision and control.—The custodian shall be primarily responsible for the supervision, *and* control, *and disposition* of the property in his custody but may delegate its use and immediate control to a person under his supervision and may require custody receipts.

Section 26. Section 273.04, Florida Statutes, is amended to read:

273.04 Property acquisition.—Whenever acquiring property, the custodian may pay the purchase price in full or may exchange property with the seller as a trade-in. ~~after first offering such exchange property for sale to the Bureau of Surplus Property of the Division of Purchasing of the Department of Management Services. The Bureau of Surplus Property may purchase the exchange property for the amount of the trade-in allowance offered by the seller. The receipts from such sales are hereby appropriated and may be applied to the cost of the property acquisition. The bureau may authorize the custodian to exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. If, whenever acquiring property, the custodian may best serve the interests of the state by outright sale of property rather than by exchange as a trade-in, the custodian may make the sale in the manner prescribed in this act for the disposal of surplus property; and the receipts from the sale are hereby appropriated and may be applied to the cost of the property acquired, except that the value of the property sold must not exceed the approximate value of the property acquired, and the property to be acquired shall be contracted for within 2 years after the date that the property sold is disposed of.~~

Section 27. Section 273.05, Florida Statutes, is amended to read:

273.05 Surplus property.—

(1) The custodian may classify as surplus any property in his custody that is obsolete or the continued use of which is uneconomical or inefficient or which serves no useful function as to any activity or location under his supervision. ~~The fact that property is surplus shall be certified to the Bureau of Surplus Property of the Division of Purchasing of the Department of Management Services, together with information indicating the value and condition of the property.~~

(2) Each custodian shall appoint one or more review boards to examine and make recommendations on approval or disapproval of classification of property as surplus.

(3) Property determined to be surplus shall be certified as such by the custodian.

(4) Each custodian shall promulgate rules or guidelines regarding the certification of surplus property.

(5) The custodian shall maintain records of property that is certified as surplus with information indicating the value and condition of the property. Agency records for property certified as surplus shall comply with rules issued by the Auditor General.

Section 28. Section 273.055, Florida Statutes, is amended to read:

273.055 Disposition of state-owned tangible personal property.—

(1) Certified surplus property shall not be sold, transferred, cannibalized, scrapped, warehoused, or destroyed without prior written authority from the custodian.

(2) Custodians shall maintain records to identify each property item as to disposition. Such records shall comply with rules issued by the Auditor General.

(3) Custodians may dispose of property certified as surplus by:

(a) Selling or transferring the property to any other governmental entity;

(b) Selling or donating the property to any private nonprofit agency;

(c) Selling the property through a sale open to the public; or

(d) Entering into contractual agreements with other entities, including, but not limited to, other governmental agencies or private vendors, which facilitate the final disposition of the property. Such agreements may include, but are not limited to, the leasing of storage space or arrangements for the disposal of scrap property.

~~(4)(1) Each custodian The Bureau of Surplus Property of the Division of Purchasing of the Department of Management Services shall have all right, title, interest, and equity in all state-owned tangible personal property certified and transferred to it as surplus. The bureau shall adopt guidelines or administrative rules and regulations pursuant to chapter 120 providing for, but not limited to, the assessing of fees for services rendered and for classifying, certifying, transferring, warehousing, bidding, destroying, scrapping, or other disposing of state-owned tangible personal property. However, the approval of the Division of Motor Pool is required prior to the disposal of motor vehicles, watercraft, or aircraft pursuant to ss. 287.15 and 287.16.~~

~~(5)(2) All moneys received by the division from the disposition of state-owned tangible personal property or from any agreement entered into pursuant to this chapter shall be retained by the custodian deposited into the State Surplus Property Working Capital Trust Fund, which is hereby created, and may be disbursed for the acquisition of exchange and surplus property and for all necessary operating expenditures, and are hereby appropriated for such purposes. The custodian shall maintain records of the accounts into which such money is deposited.~~

Section 29. Section 240.225, Florida Statutes, is amended to read:

240.225 Applicability of certain sections.—The Department of Management Services shall, by rule, provide for delegation to the State University System of the functions and duties in ss. 273.04, 273.05, and 273.055 and chapter 287 as they pertain to the State University System. No additional positions shall be authorized for the State University System to implement the provisions of this section.

Section 30. Subsection (2) of section 217.02, Florida Statutes, is amended to read:

217.02 Definitions.—As used in this act, the term:

(2) "Surplus property" means any federal property which has been declared excess by a federal agency, including the Department of Defense, and made available for procurement and distribution in the state in compliance with the Federal Property and Administrative Services Act of 1949, and subsequent amendments thereto, or any other federal law provided for the procurement and distribution of federal excess and surplus property.

Section 31. Section 217.045, Florida Statutes, is amended to read:

217.045 Bureau of Federal Surplus Property Assistance; assistance to state agencies.—The Bureau of Federal Surplus Property Assistance of the Division of Purchasing of the Department of Management Services may follow whatever procedure is considered necessary to enable state agencies to take advantage of surplus property allocated to the state by the Federal Government or by its disposal agencies.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 2, line 14, after the semicolon (;) insert: amending s. 274.05, F.S.; authorizing local governments to offer surplus property to private nonprofit agencies; amending s. 274.06, F.S., which provides an alternative procedure for disposal of surplus property by local governments; revising the value of property with respect to which notice must be published prior to disposal; amending s. 388.323, F.S., relating to disposal of surplus property by mosquito control districts, to conform; amending s. 273.01, F.S.; defining "private nonprofit agency"; amending s. 273.03, F.S.; providing that the custodian of state-owned property is responsible for disposition of property in his custody; amending s. 273.04, F.S.; removing a requirement that property to be used as a trade-in first be offered to the Bureau of Surplus Property; removing restrictions on the sale of certain property; amending s. 273.05, F.S.; removing a requirement that surplus property be certified to the bureau; providing for appointment of review boards regarding surplus property; providing duties of custodians regarding surplus property; amending s. 273.055, F.S.; removing authority of the bureau regarding surplus property and providing duties of the custodian; providing for disposal of surplus property; providing for disposition of moneys; eliminating the State Surplus Property Working Capital Trust Fund; amending s. 240.225, F.S., to conform; amending s. 217.02, F.S.; revising the definition of "surplus property"; amending s. 217.045, F.S.; renaming the Bureau of Surplus Property as the Bureau of Federal Property Assistance;

On motion by Senator Boczar, by two-thirds vote CS for SB 2522 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

Consideration of CS for SB 2540 was deferred.

CS for SB 2332—A bill to be entitled An act relating to the regulation of products for human consumption; amending s. 372.0225, F.S., relating to freshwater organisms; revising a reference to the Florida Food Act to conform the reference to a change in title made by this act; amending s. 500.01, F.S.; changing the name of the Florida Food Act to the "Florida Food Safety Act"; revising the application of its provisions; amending s. 500.02, F.S.; revising the purposes of that act; amending s. 500.03, F.S.; revising the definition of the term "food" as used in that act; amending s. 500.032, F.S.; revising the duties of the Department of Agriculture and Consumer Services relating to that act; amending s. 500.04, F.S.; revising a prohibited act; amending s. 500.09, F.S.; revising requirements relating to rulemaking by the department; amending s. 500.11, F.S.; providing additional food labeling requirements; amending s. 500.12, F.S.; providing a late fee for applications to renew food permits; authorizing the department to exempt by rule minor food outlets and certain food establishments; establishing procedures for dissemination of sanitation requirements and authorizing a fee and the use of such fees for review of construction or remodeling plans for food establishments, food outlets, or food service establishments; updating references to the former

Department of Business Regulation; providing that certain entities are not liable for failure to provide specific information; amending s. 500.121, F.S.; providing that authorized fines may be imposed for each violation of that act; providing that the Department of Agriculture and Consumer Services has the burden of proving violations; amending ss. 500.146, 500.1465, and 500.147, F.S.; revising rulemaking and inspection provisions; amending s. 500.148, F.S.; revising the requirements under the act for reports and dissemination of information; amending s. 500.149, F.S.; revising the provision for employment of help; amending s. 500.166, F.S.; revising the provision relating to records of interstate shipment, amending s. 500.167, F.S.; revising the exemption for interstate carriers; creating s. 500.169, F.S.; authorizing certain departmental enforcement powers; amending s. 500.172, F.S., relating to the embargoing and detaining of food; providing additional departmental duties; amending s. 500.173, F.S.; revising the causes for seizure and condemnation of food; amending s. 500.174, F.S., relating to seizure of food; providing departmental duties; revising the penalties for selling certain candy in violation of s. 500.10, F.S.; amending s. 500.175, F.S.; revising the provisions for the release of seized goods; amending s. 500.177, F.S.; revising the penalty provisions for committing prohibited acts; amending s. 500.178, F.S.; revising the duties of the prosecuting attorney with respect to violations of that act; amending s. 500.179, F.S.; revising the provision for providing notice of minor violations; amending s. 500.301, F.S.; revising the definitions for the standards of enrichment for grain products; amending s. 500.302, F.S.; revising the prohibition against selling at retail any grain product not in conformity with the state standard; amending s. 500.303, F.S.; revising the provisions for rulemaking relating to grain standards; amending s. 500.304, F.S.; revising the provisions for enforcement; amending s. 500.305, F.S.; revising the applicability of ch. 500, F.S., pertaining to investigations and inspections; amending s. 500.306, F.S.; revising the applicability of ch. 500, F.S., pertaining to violations of grain product enrichment laws; amending s. 500.451, F.S.; revising provisions regulating the sale of horse meat for human consumption; creating s. 500.453, F.S.; providing definitions for the purposes of ss. 500.453-500.511, F.S.; amending s. 500.455, F.S.; clarifying the provisions for operating standards and labeling requirements with respect to bottled waters; amending s. 500.457, F.S.; revising provisions providing for regulation of bottled water plants, water dealers, and water transportation vehicles or vessels; amending s. 500.459, F.S.; revising provisions providing for regulation of water vending machines and operators; amending s. 500.509, F.S.; revising provisions providing for regulation of packaged ice plants, dealers, and transportation vehicles; limiting the fee required for a package ice plant operating permit or a packaged ice dealer permit; creating s. 500.511, F.S.; providing for the deposit and use of fees collected under ss. 500.453-500.511, F.S., for departmental enforcement of those sections, and for preemption of regulation by the state with respect to matters regulated under those sections; amending s. 500.601, F.S., relating to sale at retail of meat; revising such provisions; amending ss. 504.34, 583.01, and 583.05, F.S., relating to organic food and to classification and sale of eggs and poultry; conforming those sections to the renaming of the Florida Food Act by this act; amending s. 585.70, F.S.; revising and providing definitions relating to animal and animal product inspection and labeling; amending s. 585.715, F.S.; authorizing the Department of Agriculture and Consumer Services to adopt certain rules related thereto; authorizing the department to request the state to bring an appropriate civil or criminal action for enforcement purposes; amending s. 585.74, F.S.; providing requirements pertaining to grants of inspection; amending ss. 585.78 and 585.79, F.S.; revising provisions relating to applicability and labeling; amending s. 585.83, F.S.; providing requirements relating to inspection service; providing for reimbursement for overtime or holiday inspection service; amending s. 585.84, F.S.; providing for temporary suspension of inspection; amending ss. 585.89, 585.90, 585.902, and 585.903, F.S.; conforming provisions pertaining to animal products; amending s. 585.91, F.S.; revising provisions regulating custom animal slaughters and animal product processors; creating s. 585.93, F.S.; providing for requests for inspection of nontraditional food animals and specifying requirements for slaughtering, marking, and labeling such animals; creating s. 585.96, F.S.; providing penalties and injunctive relief for violations of ss. 585.70-585.98, F.S.; creating s. 205.1951, F.S.; providing prerequisite for issuance of an occupational license by a municipality or county to a custom animal slaughtering or animal product processing establishment; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB 2332 to conform the bill to HB 2365.

Pending further consideration of CS for SB 2332 as amended, on motions by Senator Foley, by two-thirds vote—

HB 2365—A bill to be entitled An act relating to the regulation of products for human consumption; amending s. 372.0225, F.S., relating to freshwater organisms; revising a reference to the Florida Food Act to conform the reference to a change in title made by this act; amending s. 500.01, F.S.; changing the name of the Florida Food Act to the “Florida Food Safety Act”; amending s. 500.03, F.S.; revising the definitions of terms used in that act; amending s. 500.032, F.S.; revising the duties of the Department of Agriculture and Consumer Services relating to that act; amending s. 500.04, F.S.; revising a prohibited act; amending s. 500.09, F.S.; revising requirements relating to rulemaking by the department; providing for analytical work by the department; amending s. 500.10, F.S., relating to adulterated foods; revising references to federal law; revising a reference to the former Department of Business Regulation; amending s. 500.11, F.S.; providing additional food labeling requirements; amending s. 500.12, F.S.; providing a late fee for applications to renew food permits; exempting certain minor food outlets and certain food establishments; establishing procedures for dissemination of sanitation requirements and authorizing a fee and the use of such fees for review of construction or remodeling plans for food establishments, food outlets, or food service establishments; updating references to the former Department of Business Regulation; providing that certain entities are not liable for failure to provide specific information; amending s. 500.121, F.S.; providing that authorized fines may be imposed for each violation of that act; providing that the Department of Agriculture and Consumer Services has the burden of proving violations; repealing s. 500.146, F.S., which provides for rulemaking and analytical work by the department; repealing s. 500.1465, F.S., which provides for inspections by the department of permitted establishments; amending s. 500.147, F.S.; revising inspection provisions; amending s. 500.148, F.S.; revising requirements for reports and dissemination of information by the department; amending s. 500.165, F.S., relating to transporting shipments of food; deleting the criminal penalty for a violation of a rule; amending s. 500.166, F.S.; revising the provision relating to records of interstate shipment; creating s. 500.169, F.S.; authorizing certain departmental enforcement powers; amending s. 500.172, F.S., relating to the embargoing and detaining of food; revising certain departmental duties; amending s. 500.174, F.S., relating to seizure of food; providing departmental duties; revising the penalties for selling certain candy in violation of s. 500.10, F.S.; amending s. 500.177, F.S.; revising the penalty provisions for committing prohibited acts; amending s. 500.178, F.S.; revising the duties of the prosecuting attorney with respect to violations of the chapter; amending s. 500.301, F.S.; revising the definitions for the standards of enrichment for grain products; amending s. 500.302, F.S.; revising the prohibition against selling at retail any grain product not in conformity with the state standard; amending s. 500.303, F.S.; revising the provisions for rulemaking relating to grain standards; amending s. 500.304, F.S.; revising the provisions for enforcement; amending s. 500.305, F.S.; revising the applicability of ch. 500, F.S., pertaining to investigations and inspections; amending s. 500.306, F.S.; revising the applicability of ch. 500, F.S., pertaining to violations of grain product enrichment laws; amending s. 500.451, F.S.; revising provisions regulating the sale of horse meat for human consumption; creating s. 500.453, F.S.; providing definitions for the purposes of ss. 500.453-500.511, F.S.; amending s. 500.455, F.S.; clarifying the provisions for operating standards and labeling requirements with respect to bottled waters; amending s. 500.457, F.S.; revising provisions providing for regulation of bottled water plants, water dealers, and water transportation vehicles or vessels; amending s. 500.459, F.S.; revising provisions providing for regulation of water vending machines and operators; amending s. 500.509, F.S.; revising provisions providing for regulation of packaged ice plants, dealers, and transportation vehicles; limiting the fee required for a package ice plant operating permit or a packaged ice dealer permit; creating s. 500.511, F.S.; providing for the deposit and use of fees collected under ss. 500.453-500.511, F.S., for departmental enforcement of those sections, and for preemption of regulation by the state with respect to matters regulated under those sections; amending s. 500.601, F.S., relating to sale at retail of meat; revising such provisions; amending s. 504.34, F.S., relating to organic food; conforming the section to the renaming of the Florida Food Act by this act; amending s. 509.013, F.S.; revising the definition of the term “public food service establishment”; amending ss. 583.01, 583.05, F.S., relating to the sale of eggs and poultry; conforming those sections to the renaming of the Florida Food Act by this act; amending s. 585.70, F.S.; revising and providing definitions relating to animal and animal product inspection and labeling; amending s. 585.715, F.S.; authorizing the Department of Agriculture and Consumer Services

to adopt certain rules related thereto; authorizing the department to request the state to bring an appropriate civil or criminal action for enforcement purposes; amending s. 585.74, F.S.; providing requirements, fees, and applications pertaining to grants of inspection; amending ss. 585.78, 585.79, F.S.; revising provisions relating to applicability and labeling; amending s. 585.83, F.S.; providing requirements relating to inspection service; providing for reimbursement for overtime or holiday inspection service; amending s. 585.84, F.S.; providing for temporary suspension of inspection; amending ss. 585.89, 585.90, 585.902, 585.903, F.S.; conforming provisions pertaining to animal products; amending s. 585.91, F.S.; revising provisions regulating custom animal slaughters and animal product processors; providing for fees and applications; creating s. 585.93, F.S.; providing for requests for inspection of nontraditional livestock and specifying requirements for slaughtering, marking, and labeling such animals; creating s. 585.96, F.S.; providing penalties and injunctive relief for violations of ss. 585.70-585.96, F.S.; creating s. 205.1951, F.S.; providing prerequisite for issuance of an occupational license by a municipality or county to a custom animal slaughtering or animal product processing establishment; providing an effective date.

—a companion measure, was substituted for **CS for SB 2332** and by two-thirds vote read the second time by title. On motion by Senator Foley, by two-thirds vote **HB 2365** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motions by Senator Silver, by two-thirds vote **CS for HB 2079** was withdrawn from the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Silver—

CS for HB 2079—A bill to be entitled An act relating to local government finance; amending s. 163.387, F.S.; authorizing a modification of the requirements for determining the amount of annual funding of a community redevelopment trust fund for counties as defined in s. 125.011(1), F.S.; amending ss. 170.01 and 170.03, F.S.; revising provisions which authorize municipalities to provide certain improvements and levy special assessments against the property benefited, to include the relocation of utilities within such improvements; amending s. 200.065, F.S.; revising the requirements for calculation of the rolled-back rate for purposes of requirements relating to the method of fixing ad valorem millage rates; amending ss. 1, 2, and 3, ch. 67-930, Laws of Florida; revising provisions which authorize certain municipalities to levy a municipal resort tax, to authorize levy of said tax on food and beverages, other than alcoholic beverages, sold for consumption off the premises; providing those municipalities with certain enforcement and collection powers and procedures; providing effective dates.

—a companion measure, was substituted for **SB 2312** and read the second time by title. On motion by Senator Silver, by two-thirds vote **CS for HB 2079** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motions by Senator Dantzler, the rules were waived and by two-thirds vote—

HB 2445—A bill to be entitled An act relating to environmental protection; amending s. 20.255, F.S.; providing for two deputy secretaries of the Department of Environmental Protection; authorizing the assignment of responsibilities; providing for special offices and managers thereof; exempting the managers from pt. II of ch. 110, F.S.; providing for an executive coordinator for ecosystems management; authorizing assistant and deputy division directors; prohibiting creation of deputy secretaries or senior management positions, except as specified; providing for six administrative districts; deleting provisions for two assistant secretaries of the department; requiring the director of the Division of State Lands to be confirmed by the Board of Trustees of the Internal Improvement Trust Fund; specifying the divisions of the department; repealing section 10 of chapter 93-213, Laws of Florida; repealing s. 370.02, F.S., relating to powers and duties of the Department of Natural Resources; repealing subsection (7) of section 3 of chapter 93-213, Laws of Florida, abrogating the repeal of s. 20.2655(5), F.S., which grants specified review authority to the Governor and Cabinet; amending ss. 229.8058, 253.022,

282.403, 373.1965, 380.061, 380.31, 388.46, and 403.7165, F.S.; providing for Department of Environmental Protection membership on certain councils and committees; amending s. 487.0615, F.S.; revising membership of the Pesticide Review Council; amending ss. 125.563, 159.705, 161.021, 161.031, 161.041, 161.042, 161.052, 161.053, 161.061, 161.071, 161.082, 161.101, 161.111, 161.141, 161.161, 161.33, 161.35, 161.36, 161.54, 163.3184, 177.27, 177.29, 177.502, 177.503, 186.021, 186.504, 186.801, 193.015, 193.501, 193.621, 201.022, 201.15, 206.9935, 211.31, 211.32, 212.055, 212.08, 212.69, 213.053, 215.3208, 216.0165, 220.184, 229.8064, 240.155, 240.5161, 240.5325, 240.5326, 252.87, 253.02, 253.023, 253.025, 253.03, 253.0325, 253.037, 253.04, 253.05, 253.12, 253.1241, 253.126, 253.45, 253.67, 253.74, 253.75, 253.77, 253.781, 253.782, 253.7821, 253.7823, 253.7825, 253.7826, 253.7829, 253.783, 253.784, 255.259, 255.565, 258.004, 258.015, 258.024, 258.09, 258.10, 258.15, 258.155, 258.397, 258.42, 258.43, 258.501, 259.035, 259.045, 259.101, 260.012, 260.013, 260.0161, 267.061, 270.22, 272.18, 282.1095, 282.402, 287.045, 287.0595, 288.021, 288.063, 288.1185, 288.811, 298.07, 298.11, 298.12, 298.15, 298.16, 298.22, 298.26, 298.33, 298.34, 298.467, 298.55, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director; conforming provisions to changes made by the act; amending ss. 298.70, 298.71, 298.72, 298.73, F.S.; conforming to the transfer of duties and responsibilities from the Department of Natural Resources to the Department of Environmental Protection provisions relating to the authority to borrow money and issue notes; amending ss. 309.01, 316.272, 316.293, 316.2935, 316.640, 320.03, 320.08065, 320.08066, 325.202, 325.203, 325.206, 325.207, 325.209, 325.212, 325.213, 325.217, 325.218, 325.223, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 327.02, 327.03, 327.04, 327.12, 327.26, 327.28, 327.41, 328.01, 328.15, 328.20, F.S.; conforming provisions transferring to the Department of Environmental Protection from the Department of Natural Resources duties and responsibilities relating to vessel registration and titling laws; amending ss. 334.065, 335.065, 337.108, 337.242, 337.27, 338.221, 338.223, 338.250, 341.3332, 341.336, 341.342, 341.343, 341.348, 341.352, 341.405, 341.407, 341.408, 348.0008, 348.759, 348.957, 366.825, 367.031, 367.081, 367.111, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 369.105, 369.20, 369.22, 369.25, 369.251, 369.307, 370.01, 370.013, 370.015, 370.02, 370.0205, 370.021, 370.023, 370.025, 370.026, 370.027, 370.03, 370.031, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 370.032, 370.033, 370.034, 370.037, 370.038, 370.06, 370.0605, 370.0607, 370.0608, 370.0609, 370.0615, 370.062, 370.063, 370.07, 370.071, 370.08, 370.081, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; repealing s. 370.082, F.S., relating to the regulation of the use of gill nets, wing nets, and similar devices; deleting obsolete provisions; amending ss. 370.0821, 370.103, 370.11, 370.1107, 370.12, 370.13, 370.14, 370.142, 370.143, 370.153, 370.1535, 370.157, 370.16, 370.1603, 370.172, 370.18, 370.19, 370.20, 370.21, 370.25, 372.071, 372.072, 372.0725, 372.57, 372.701, 372.7701, 372.771, 372.992, 373.016, 373.019, 373.026, 373.046, 373.079, 373.086, 373.171, 373.196, 373.1962, 373.1965, 373.197, 374.977, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 373.203, 373.206, 373.207, 373.209, 373.217, 373.2295, 373.303, 373.406, 373.423, 373.439, 373.453, 373.455, 373.4592, 373.4595, 373.498, 373.536, 373.59, 373.603, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing ss. 374.001, 374.3001, F.S., relating to transfer of the canal authority and assets of the Cross Florida Canal Navigation District to the Department of Natural Resources; amending ss. 375.021, 375.031, 375.041, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 375.045, 375.065, 375.075, 376.021, 376.031, 376.051, 376.0705, 376.10, 376.12, 376.121, 376.163, 376.30, 376.301, 376.303, 376.304, 376.307, 376.3071, 376.3072, 376.3077, 376.321, 376.40, 376.60, F.S.; conforming provisions to the transfer of

duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 377.07, 377.075, 377.19, 377.22, 377.2408, 377.2425, 377.28, 377.703, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 378.032, 378.033, 378.034, 378.036, 378.203, 378.205, 378.206, 378.208, 378.212, 378.403, 378.404, 378.405, 378.406, 378.407, 378.408, 378.409, 378.411, 378.501, 378.502, 378.503, 378.601, 378.701, 378.703, 378.801, 378.803, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director of the former Department of Natural Resources; amending ss. 380.05, 380.051, 380.055, 380.0555, 380.0558, 380.06, 380.061, 380.0651, 380.0685, 380.33, 380.504, 381.006, 381.0065, 381.0098, 388.45, 403.031, 403.061, 403.0615, 403.0625, 403.081, 403.085, 403.086, 403.0871, 403.0873, 403.0876, 403.088, 403.0885, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing s. 403.0891(4), F.S., relating to an inventory of storm-water management systems by the Department of Transportation; deleting obsolete provisions; amending ss. 403.092, 403.135, 403.141, 403.182, 403.1822, 403.1823, 403.1834, 403.1835, 403.1838, 403.281, 403.413, 403.4131, 403.4135, 403.415, 403.4154, 403.503, 403.504, 403.507, 403.508, 403.518, 403.522, 403.523, 403.526, 403.527, 403.5271, 403.5365, 403.703, 403.705, 403.7061, 403.707, 403.708, 403.7084, 403.709, 403.714, 403.716, 403.717, 403.7186, 403.7195, 403.7197, 403.7199, 403.722, 403.7222, 403.7226, 403.725, 403.7255, 403.7264, 403.727, 403.74, 403.75, 403.7721, 403.783, 403.7841, 403.786, 403.787, 403.803, 403.8051, 403.8163, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; revising the use of waste tire fee moneys allocated to the Solid Waste Management Trust Fund; deleting obsolete provisions; amending ss. 403.851, 403.852, 403.862, 403.8635, 403.9311, 403.935, 403.9403, 403.9404, 403.941, 403.9411, 403.9412, 403.951, 403.952, 403.955, 403.957, 403.958, 403.959, 403.961, 403.962, 403.963, 403.964, 403.966, 403.967, 403.968, 403.969, 403.971, 403.972, 404.031, 404.0614, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 418.12, 420.608, 470.025, 489.133, 492.103, 501.122, 526.01, 553.79, 570.07, 581.083, 581.145, 581.186, 589.26, 597.003, 597.006, 617.0122, 705.101, 705.103, 784.07, 823.11, 832.06, 843.08, 860.20, 870.04, 895.09, 932.7055, 943.1728, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending s. 370.021, F.S.; providing for penalties related to gear restrictions in certain East Coast counties; providing for enforcement; amending s. 380.0651, F.S.; removing certain authority of the Department of Environmental Protection with respect to development-of-regional-impact review; repealing s. 377.075(6), F.S.; deleting obsolete language related to the state chemist's duties; authorizing the transfer of certain full-time equivalent positions from the Division of Recreation and Parks to the Division of Law Enforcement; specifying powers; providing for future repeal of s. 258.024, F.S., relating to police powers of state park law enforcement officers; providing effective dates.

—a companion measure, was substituted for CS for CS for SB 680 and by two-thirds vote read the second time by title.

Senator Dantzler moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—On page 504, between lines 29 and 30, insert:

Section 8. Section 161.055, Florida Statutes, is created to read:

161.055 Concurrent processing of permits.—

(1) When an activity for which a permit is required under this chapter also requires a permit, authorization, or approval described in paragraph (2)(b), the department may, by rule, provide that the activity may be undertaken only upon receipt of a single permit from the department called a "joint coastal permit," as provided in this section.

(2) The department may adopt rules requiring concurrent application submittal and establishing a concurrent review and permitting procedure

for any activity regulated under this chapter that also requires one or more of the permits, authorizations, or approvals described in paragraph (a) or paragraph (b). The rules must establish concurrent procedures for processing applications under this part with one or more of the permits, authorizations, or approvals described in paragraph (a) or paragraph (b). An applicant that proposes such an activity must submit, as part of the permit application under this chapter, all information necessary to satisfy the requirements for issuance of any required:

(a) Proprietary authorization under chapters 253 and 258 to use submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund; and

(b) Environmental resource permit or dredge and fill permit under part IV of chapter 373.

The timeframes for license approval or denial set forth in s. 120.60(2) do not commence until all required information is received. The rules authorized under this section may also require submittal of such information as is necessary to determine whether the proposed activity will occur on submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund, and shall contain provisions for permit processing and issuance of orders which are consistent with s. 373.427 and provisions for providing notice of applications which are consistent with s. 373.413. Authorization under this subsection may not be issued unless the requirements for issuance of any additional required authorizations, permits, waivers, variances, and approvals described in paragraph (a) or paragraph (b) are also satisfied.

(3) The review of agency action on an application for issuance of a joint coastal permit must be as provided in s. 373.4275.

Section 9. Section 161.0535, Florida Statutes, is amended to read:

161.0535 Permits; fees, costs.—The department may establish by rule a fee schedule and may assess fees for the filing, processing, and issuance of permits issued under pursuant to ss. 161.041 and 161.053. The fee schedule ~~must~~ *shall* contain categories of permits based on the varying costs of evaluating applications for different types of proposed construction. The fee schedule ~~must~~ *shall* be based on the actual costs of administering these permitting programs. Moneys from fees assessed under pursuant to this section ~~must~~ *shall* be deposited into the Beach Management Trust Fund. The department may also assess the applicant for the costs of public notice by publication prior to the consideration of these permit applications; *alternatively, the department may require an applicant to publish, at the applicant's expense, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of the intended agency action.*

Section 10. Section 161.141, Florida Statutes, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—

(4) The Legislature hereby declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach renourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees ~~must~~ *shall* establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project ~~shall~~ remain the property of the upland owner subject to all governmental regulations and ~~are~~ *shall* not to be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. ~~The~~ *Such* resulting additions to upland property ~~are~~ *shall* also be subject to a public easement for traditional uses of the sandy beach consistent with uses ~~that~~ *which* would have been allowed prior to the need for ~~the~~ *such* restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his property. If an authorized beach restoration, beach renourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, ~~the~~ *then* ~~such~~ taking ~~must~~ *shall* be made by the requesting authority by eminent domain proceedings.

(3) ~~When the Department of Environmental Regulation has received all information necessary to evaluate the impact of the proposed project pursuant to chapter 403 and has concluded its evaluation, it shall notify the applicant within 10 days whether it intends to issue or deny the permit, regardless of whether the Board of Trustees of the Internal Improvement Trust Fund has given its consent to the use of state lands as required by s. 253.77. However, no construction on any beach restoration or beach renourishment project may be initiated without complying with the provisions of s. 253.77.~~

Section 11. Section 253.002, Florida Statutes, is amended to read:

253.002 Department of Environmental Protection and water management districts; duties with respect to state lands.—

(1) The Department of Environmental Protection shall perform all staff duties and functions related to the acquisition, administration, and disposition of state lands, title to which is or will be vested in the Board of Trustees of the Internal Improvement Trust Fund. *However, upon the effective date of rules adopted pursuant to s. 373.427, a water management district created under s. 373.069 shall perform the staff duties and functions related to the review of any application for authorization to use board of trustees owned submerged lands necessary for an activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). Unless expressly prohibited by law, the board of trustees may delegate to the department any statutory duty or obligation relating to the acquisition, administration, or disposition of lands, title to which is or will be vested in the board of trustees. The board of trustees may also delegate to any water management district created under s. 373.069 the authority to take final agency action, without any action on behalf of the board, on applications for authorization to use board of trustees owned submerged lands for any activity regulated under part IV of chapter 373 for which the water management district has permitting responsibility as set forth in an operating agreement adopted pursuant to s. 373.046(4). This water management district responsibility under this subsection shall be subject to the department's general supervisory authority pursuant to s. 373.026(7).*

(2) *Delegations to the department or a water management district of authority to take final agency action on applications for authorization to use submerged lands owned by the board of trustees, without any action on behalf of the board of trustees, shall be by rule. Until rules adopted pursuant to this subsection become effective, existing delegations by the board of trustees shall remain in full force and effect. However, the board of trustees is not limited or prohibited from amending these delegations. By December 31, 1995, the board of trustees shall adopt by rule any delegations of its authority to take final agency action without action by the board of trustees on applications for authorization to use board of trustees owned submerged lands. Any final agency action, without action by the board of trustees, taken by the department or water management district on applications to use board of trustees owned submerged lands shall be subject to the provisions of s. 373.4275. Notwithstanding any other provision of this subsection, the board of trustees, the Department of Legal Affairs, and the department retain the concurrent authority to assert or defend title to submerged lands owned by the board of trustees.*

Section 12. Paragraph (b) of subsection (1) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(1)

(b) All revenues received ~~derived~~ from application fees charged by the Division of State Lands for the use in any manner, lease, conveyance, or release of any interest in or for the sale of state lands, except revenues from such fees charged for aquaculture leases ~~under pursuant to s. 253.71(2), must shall be deposited placed~~ into the Internal Improvement Trust Fund. The fees charged by the division for reproduction of records relating to state lands ~~must shall~~ also be placed into the fund.

Section 13. Subsections (11) and (14) of section 253.03, Florida Statutes, are amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(11) The Board of Trustees of the Internal Improvement Trust Fund may adopt rules to provide for the assessment and collection of reason-

able fees, commensurate with the actual cost to the board, for disclaimers, easements, exchanges, gifts, leases, releases, or sales of any interest in lands or any applications therefor and for reproduction of documents. All revenues received from the application fees charged by a water management district to process applications that include a request to use state lands are to be retained by the water management district.

(14) *For applications not reviewed pursuant to s. 373.427, the department must review applications Within 30 days after receipt of an application for the use of state-owned submerged lands in connection with a permit under chapter 403, including a purchase, lease, easement, disclaimer, or other consent to use such lands requiring action by the Board of Trustees of the Internal Improvement Trust Fund, the Division of State Lands shall review such application or request and must shall request submittal of all additional information necessary to process the application. Within 30 days after receipt of the such additional information, the department must division shall review the information submitted and may request only that information needed to clarify the such additional information, to process the appropriate form of approval indicated by the additional information, or to answer those questions raised by, or directly related to, the such additional information. An application for the authority to use state-owned submerged land must which requires board action shall be approved, denied, or submitted to the board of trustees for its approval or denial within 90 days after receipt of the original application or the last item of timely requested additional information. This time is shall be tolled by any notice requirements of and public hearing held pursuant to s. 253.115 or any hearing held under pursuant to s. 120.57. If the review of the application is not completed within the 90-day period, the department must report quarterly to the board the reasons for the failure to complete the report division shall submit in the quarterly report of the department to the board the reasons for not completing the review of the application and provide an estimated date by which the application will be approved or denied submitted to the board for its action. Failure to comply with these time periods shall not result in approval by default.*

Section 14. Section 253.115, Florida Statutes, is amended to read:

253.115 Public notice and hearings.—

(1) After receiving an application in compliance with such forms as may be required by this chapter requesting the board to sell, exchange, ~~or~~ lease, or grant an easement on, over, under, above, or across any land to which it holds title, the board must provide ~~shall arrange for publishing~~ notice of the application. The notice shall include the name and address of the applicant; a brief description of the proposed activity and any mitigation; the location of the proposed activity, including whether it is located within an Outstanding Florida Water or aquatic preserve; a map identifying the location of the proposed activity subject to the application; a diagram of the limits of the proposed activity; and a name or number identifying the application and the office where the application can be inspected, and any other information required by rule. A copy of this notice shall be sent to those persons who have requested to be on a mailing list and ~~in a newspaper published in the county in which the lands are located not less than once a week for 3 consecutive weeks and for mailing copies of such notice by certified or registered mail~~ to each owner of land lying within 500 feet of the land proposed to be leased, sold, ~~or~~ exchanged, or subject to an easement, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(2) *The board of trustees, the department, or a water management district, as is appropriate, shall consider comments and objections received in response to the public notice required by s. 253.115 in reaching its decision to approve or deny use of board of trustees owned lands for a proposed activity. In the event that substantive objections are raised, the department or water management district may hold an informal public hearing in the county in which the proposed activity lies. If the board of trustees, the department, or a water management district, as is appropriate, determines that the sale, lease, exchange, or granting of an easement is not contrary to the public interest, or is in the public interest when required by law, it may approve the proposed activity. The sale of sovereignty submerged lands shall require a determination that the proposed sale is in the public interest.*

(3)~~(2)~~ *The board may also publish, or require an applicant to publish, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of intended agency action. The board shall also provide notice of intended agency action to*

the applicant and to those who have requested a copy of the intended agency action for that application. If no written objections are filed within 30 days after the date of first publication of the notice, and if the board finds that the proposed lease, sale, or exchange is not incompatible with the public interest, the board has authority to consummate the contract. However, failure to mail the notice to all landowners as set out in subsection (1) shall not invalidate the conveyance.

(4)(3) Failure to provide the notice as set out in subsections (1) and (3) shall not invalidate the sale, exchange, lease, or easement. If written objections are filed, the board shall consider them in determining whether or not to consummate the contract. Any required hearing shall be held in the county in which the lands are located. If the lands are located in more than one county, the required hearing may be held in any county in which the lands lie. Timely notice of the hearing shall be given by at least one publication in a newspaper published in the county in which the lands are located and by certified or registered mail to each owner of land lying within 500 feet of the land proposed to be leased, sold, or exchanged, addressed to such owner as his name and address appears on the latest county tax assessment roll, in addition to any notice required by chapter 120.

(5)(4) The notice and publication requirements of this section do does not apply to:

(a) The release of any reservations contained in Murphy Act deeds or deeds of the board of trustees;

(b) Any conveyance of land lying landward of the line of mean high water, which land does not exceed 5 acres in area;

(c) Any lands covered by the provisions of ss. 253.12(6), (9), and (10), and 253.129;

(d) The lease or easement for of any land when the land is being leased to a state agency or political subdivision of the state;

(e) Sovereignty land easements leases for existing activities completed structures built prior to March 27, 1982;

(f) The conversion of existing marina licenses to sovereignty land leases;

(g) Sovereignty land leases for registered and existing unregistered grandfathered facilities; existing structures built on or after March 27, 1982, if all required federal, state, or local permits have been obtained; or

(h) The conveyance of lands pursuant to the provisions of s. 373.4592(4)(b); or:

(i) Renewals, modifications, or assignments.

(6) The board may establish alternative notice requirements to those in subsections (1) and (3), including a waiver of notice, if adopted by rule for proposed activities under this section which also qualify for a general permit pursuant to chapter 373. Such alternative notice requirements shall take into account the nature and scope of the proposed activities and the effect on other persons.

(7)(5) In the disposition of parcels of state-owned uplands, the Board of Trustees of the Internal Improvement Trust Fund may procure real estate sales services, including open listings, exclusive listings, or auction or other appropriate services, to facilitate the sale of such lands.

Section 15. Subsection (3) of section 253.12, Florida Statutes, is amended to read:

253.12 Title to tidal lands vested in state.—

(3) After receiving application in compliance with such forms as may be required to show clearly what is intended to be accomplished in any proposed development of said lands and the manner in which said development will be accomplished, and after making the determination required by paragraph (2)(a), the board shall give notice as provided by s. 253.115, by publication in a newspaper published in the county in which such islands or submerged lands are located, not less than once a week for 3 consecutive weeks, and mail copies of such notice by certified or registered mail to each riparian owner of upland lying within 1,000 feet of the island or submerged land proposed to be conveyed, addressed to such owner as his name and address appear upon the latest county tax assessment roll, in order that any persons who have objections to the sale or conveyance may have the opportunity to present the same. If no objec-

tions are filed within 30 days after the date of first publication of the aforesaid notice, the board has authority to consummate such sale or conveyance except as hereinafter provided. However, failure to mail the notice herein provided to such riparian upland owners shall not invalidate such sale or conveyance or the title or interest conveyed by the board pursuant thereto.

Section 16. Section 253.52, Florida Statutes, is amended to read:

253.52 Placing oil and gas leases on market by board.—Whenever in the opinion of the Board of Trustees of the Internal Improvement Trust Fund there shall be a demand for the purchase of oil and gas leases on any area, tract, or parcel of the land so owned, controlled, or managed, by any state board, department, or agency, then the board shall place such oil and gas lease or leases on the market in such blocks, tracts, or parcels as it may designate. The lease or leases shall only be made after notice by publication thereof has been made not less than once a week for 4 consecutive weeks in a newspaper of general circulation published in Leon County, and in a similar newspaper for a similar period of time published in the vicinity of the lands offered to be leased, the last publication in both newspapers to be not less than 5 days in advance of the sale date. Such notice shall be to the effect that a lease or leases will be offered for sale at such date and time as may be named in said notice and shall describe the land upon which such lease, or leases, will be offered. This notice may be combined with the notice required pursuant to s. 253.115. Before any lease of any block, tract, or parcel of land, submerged, or unsubmerged, within a radius of 3 miles of the boundaries of any incorporated city, or town, or within such radius of any bathing beach, or beaches, outside thereof, such board, department, or agency, shall through one or more of its members hold a public hearing, after notice thereof by publication once in a newspaper of general circulation published at least 1 week prior to said hearing in the vicinity of the land, or lands, offered to be leased, of the offer to lease the same, calling upon all interested persons to attend said hearing where they would be given the opportunity to be heard, all of which shall be considered by the board prior to the execution of any lease or leases to said land, and the board may withdraw said land, or any part thereof, from the market, and refuse to execute such lease or leases if after such hearing, or otherwise, it considers such execution contrary to the public welfare. Before advertising any land for lease the form of the lease or leases to be offered for sale, not inconsistent with law, or the provisions of this section, shall be prescribed by the board and a copy, or copies, thereof, shall be available to the general public at the office of the Board of Trustees of the Internal Improvement Trust Fund and the advertisements of such sale shall so state.

Section 17. Section 253.70, Florida Statutes, is amended to read:

253.70 Public notice and hearings.—

(1) Upon receiving an application under this act that satisfactorily sets forth the information required by s. 253.69, the board shall give notice of the application as provided by s. 253.115 by publication in a newspaper published in the county in which the submerged lands are located not less than once a week for 3 consecutive weeks and mail copies of such notice by certified or registered mail to each riparian owner of upland lying within 1,000 feet of the submerged land proposed to be leased, addressed to such owner as his name and address appears on the latest county tax assessment roll.

(2) If no written objections are filed within 30 days after the date of first publication of the notice and if the board finds that the proposed lease is not incompatible with the public interest, the board has authority to consummate the lease contract as hereinafter provided. However, failure to mail the notice to the riparian upland owners shall not invalidate such lease.

(3) If written objections are filed, the board shall proceed to determine the same. Any required hearing shall be held in the county from which the application was received. Timely notice of such hearing shall be given by at least one publication in a newspaper published in the county in which the submerged lands are located and by certified or registered mail to each riparian owner of upland lying within 1,000 feet of the submerged land proposed to be leased, addressed to such owner as his name and address appears on the latest county tax assessment roll, in addition to any other notice required by law.

Section 18. Section 253.77, Florida Statutes, is amended to read:

253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested; concurrent processing requirements.—

(1) ~~A No person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund or the Department of Natural Resources under this chapter, until the such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement, or other form of consent authorizing the proposed use.~~

(2) *For applications that are processed concurrently under s. 373.427, the applicant must submit, as part of the application under this part, any information necessary to satisfy the requirements for issuance of any required:*

(a) *Environmental resource permit or dredge and fill permit under part IV of chapter 373;*

(b) *Coastal construction permit under s. 161.041;*

(c) *Coastal construction control line permit under s. 161.053; and*

(d) *Waiver or variance of the setback requirements under s. 161.052.*

Authorization under this section may not be issued unless the requirements for issuance of any additional required authorizations, permits, waivers, variances, and approvals described in paragraphs (a) through (d) are also satisfied. The final action on an authorization issued under this subsection shall be subject to s. 373.4275.

~~(2) The permitting agency shall, within 30 days after receipt of a permit application, notify the applicant and the executive director of the Department of Natural Resources or his designee that a lease, license, easement, or other form of consent of the Board of Trustees of the Internal Improvement Trust Fund authorizing the proposed use may be required. However, this subsection does not apply to any permit, license, or other form of consent to take the regulated action which was issued and outstanding on July 1, 1980.~~

~~(3) This act does not apply to any permit, license, or other form of consent to take the regulated action which was issued and outstanding on June 23, 1976.~~

(3)(4) Notwithstanding any other provisions of this chapter, a riparian owner may selectively trim or alter mangroves on adjacent, publicly owned submerged lands, *if provided that the selective trimming or alteration is in compliance with the requirements of ss. 403.93-403.938, including any required permit under ss. 403.93-403.938.*

Section 19. Paragraph (b) of subsection (3) of section 258.397, Florida Statutes, is amended to read:

258.397 Biscayne Bay Aquatic Preserve.—

(3) **AUTHORITY OF TRUSTEES.**—The Board of Trustees of the Internal Improvement Trust Fund is authorized and directed to maintain the aquatic preserve hereby created pursuant and subject to the following provisions:

(b) No further dredging or filling of submerged lands of the preserve shall be approved or tolerated by the board of trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation projects or for such minimum dredging and spoiling as may be constituted as a public necessity or for preservation of the bay according to the expressed intent of this section.

2. Such other alteration of physical conditions, including the placement of riprap, as may be necessary to enhance the quality and utility of the preserve.

3. Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, piers, and docks and their attendant navigation channels and access roads. Such projects may only be authorized upon a specific finding by the board of trustees that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This subparagraph shall not authorize the connection of upland canals to the waters of the preserve.

4. Such dredging as is necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, islands, and spoil banks, the dredging of which would enhance the aesthetic and environmental quality and utility of the preserve and be clearly in the public interest as determined by the board of trustees.

Any dredging or filling under this subsection or improvements under subsection (5) shall be approved only after public notice *as provided by s. 253.115. and, upon the request of any person, a public hearing in the area affected; however, the public notice and meeting requirements of this subsection shall not apply to general permits issued under s. 403.814.* Nothing herein shall be construed to abrogate the rights of any person under the provisions of chapter 120. In addition to any public notice otherwise required by law, public notice pursuant to this subsection shall be provided by United States mail to any person who requests, in writing, to have his name placed on a mailing list by the Department of Environmental Regulation.

Section 20. Paragraph (c) of subsection (3) of section 258.43, Florida Statutes, is amended to read:

258.43 Rules and regulations.—

(3) The Board of Trustees of the Internal Improvement Trust Fund may delegate to a local government, by agreement, the power and duty to administer and enforce the standards and criteria established in a resource inventory and management plan adopted by the board, if the board determines that such a delegation is in the public interest.

(c) The board shall give prior notice of its intention to enter into an agreement as described in this subsection, *as provided by s. 253.115. At a minimum, such notice shall be published in the Florida Administrative Weekly at least 21 days in advance of the board's action.* The Division of State Lands of the Department of Environmental Protection Natural Resources shall update its rules annually to include a list of the management agreements adopted pursuant to this subsection. The list shall identify the parties to, and the date and location of, each agreement, and shall specify the nature of the authority delegated by the agreement.

Section 21. Section 270.07, Florida Statutes, is amended to read:

270.07 Certain public lands not to be sold without advertisement.—*Any No lands in the state that are now, or may hereafter be, vested in the Board of Trustees of the Internal Improvement Trust Fund of the state may not shall be sold, conveyed, or disposed of by the said board of trustees until notice as provided in s. 253.115 has by publication shall have been given for the full term of 30 days prior to such sale; however provided, that this section does shall not apply to homestead, railroad, or canal grants, as now provided for by law, nor to any conveyance under pursuant to the provisions of s. 253.111.*

Section 22. Section 270.08, Florida Statutes, is amended to read:

270.08 Notice of sale of public lands by advertisement.—*When the Board of Trustees of the Internal Improvement Trust Fund considers shall decide or regard it expedient to sell any of the lands that are now, or may hereafter be, vested in the Board of Trustees of the Internal Improvement Trust Fund of the state, it must shall give 30 days' notice of the such sale as provided in s. 253.115. by publication in some newspaper published in the county or counties where such lands to be sold are situated, and also in such other papers as may be deemed advisable, once each week. Said notice shall contain a description of the lands, state the terms of sale and the time and place where such lands shall be sold, and notify the people that it will receive bids therefor at Tallahassee from the time of giving such notice until the day of sale. The board of trustees shall require the persons publishing said notice to file with it immediately after the expiration of the time of such sale proof of said publication, which shall at all times be subject to inspection by any person desiring to see same. None of the provisions of This section does not shall limit the applicability of s. 253.111.*

Section 23. Subsection (3) of section 373.413, Florida Statutes, is amended to read:

373.413 Permits for construction or alteration.—

(3) After receipt of an application for a permit, the governing board or department shall *publish notice of the application by sending a notice cause a notice thereof to be published by posting such notice in the district headquarters and each office of the district. In addition, a copy of such notice shall be sent to any persons person who have has filed a written request for notification of any pending applications affecting the particular designated area. Such notice may shall be sent by regular mail. The notice shall contain: the name and address of the applicant; a brief description of the proposed activity, including any mitigation; the location of the proposed activity, including whether it is located within an Outstanding Florida Water or aquatic preserve; a map identifying the*

location of the proposed activity subject to the application; a depiction of the proposed activity subject to the application; a name or number identifying the application and the office where the application can be inspected; and any other information required by rule.

~~(a) The name and address of the applicant or, in the case of a corporation, the address of its principal business office;~~

~~(b) A depiction of the work, works, dams, impoundments, or other regulated facilities proposed to be constructed under permit;~~

~~(c) A map, showing the location of the proposed structure;~~

~~(d) A statement of the number of acres of wetlands, if any, to be disturbed, filled, excavated, or otherwise affected;~~

~~(e) A statement of the mitigation proposed to be undertaken by the applicant, if any;~~

~~(f) The date of filing;~~

~~(g) The date set for a hearing, if any;~~

~~(h) The source of the water to be contained;~~

~~(i) The quantity of water to be contained;~~

~~(j) The use to be made of the water and any limitation thereon; and~~

~~(k) Such other information as the governing board may deem necessary, in accordance with duly adopted rules.~~

~~(4) The notice provided for by the governing board in subsection (3) shall state that written objections to the proposed permit may be filed with the governing board by a specified date. The governing board, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.~~

~~(5) If no substantial objection to the application is received, the governing board or the department, after proper investigation by its staff, may at its discretion approve the application without a hearing. Otherwise, it shall set a time for a hearing in accordance with the provisions of chapter 120.~~

~~(4)(6) In addition to the notice required by subsection (3), the governing board or department may publish, or require an applicant to publish at the applicant's expense, in a newspaper of general circulation within the affected area, a notice of receipt of the application and a notice of intended agency action cause a notice thereof to be published in a newspaper of general circulation within the affected area. This subsection does not limit the discretionary authority of the department or the governing board of a water management district to publish, or to require an applicant to publish at the applicant's expense, any notice under this chapter. The governing board or department shall also provide notice of this intended agency action to the applicant and to persons who have requested a copy of the intended agency action for that specific application.~~

~~(5) The governing board or department may charge a subscription fee to any person who has filed a written request for notification of any pending applications to cover the cost of duplication and mailing charges.~~

Section 24. Section 373.427, Florida Statutes, is created to read:

373.427 Concurrent permit review.—

(1) The department, in consultation with the water management districts, may adopt procedural rules requiring concurrent application submittal and establishing a concurrent review procedure for any activity regulated under this part that also requires any authorization, permit, waiver, variance, or approval described in paragraphs (a)-(d). The rules must address concurrent review of applications under this part and any one or more of the authorizations, permits, waivers, variances, and approvals described in paragraphs (a)-(d). Applicants that propose such activities must submit, as part of the permit application under this part, all information necessary to satisfy the requirements for:

(a) Proprietary authorization under chapter 253 or chapter 258 to use submerged lands owned by the board of trustees;

(b) Coastal construction permits under s. 161.041;

(c) Coastal construction control line permits under s. 161.053; and

(d) Waiver or variance of the setback requirements under s. 161.052.

The rules adopted under this section may also require submittal of such information as is necessary to determine whether the proposed activity will occur on submerged lands owned by the board of trustees. Notwithstanding s. 120.60(2), an application under this part is not complete and the timeframes for license approval or denial shall not commence until all information required by rules adopted under this section is received. For applications concurrently reviewed under this section, the agency that conducts the concurrent application review shall issue a notice of consolidated intent to grant or deny the applicable authorizations, permits, waivers, variances, and approvals. The issuance of the notice of consolidated intent to grant or deny is deemed in compliance with s. 120.60(2) timeframes for license approval or denial on the concurrently processed applications for any required permit, waiver, variance or approval under this chapter or chapter 161. Failure to satisfy these timeframes shall not result in approval by default of the application to use board of trustees owned submerged lands. If an administrative proceeding pursuant to s. 120.57 is timely requested, the case shall be conducted as a single consolidated administrative proceeding on all such concurrently processed applications. Once the rules adopted pursuant to this section become effective, they shall establish the concurrent review procedure for applications submitted to both the department and the water management districts, including those applications for categories of activities requiring authorization to use board of trustees owned submerged lands for which the board of trustees has not delegated authority to take final agency action without action by the board of trustees.

(2) In addition to the provisions set forth in subsection (1) and notwithstanding s. 120.60, the procedures established in this subsection shall apply to concurrently reviewed applications which request proprietary authorization to use board of trustees owned submerged lands for activities for which there has been no delegation of authority to take final agency action without action by the board of trustees.

(a) Unless waived by the applicant, within 90 days of receipt of a complete application, the department or water management district shall issue a recommended consolidated intent to grant or deny on all of the concurrently reviewed applications, and shall submit the recommended consolidated intent to the board of trustees for its consideration of the application to use board of trustees owned submerged lands. The recommended consolidated intent shall not constitute a point of entry to request a hearing pursuant to s. 120.57. Unless waived by the applicant, the board of trustees shall consider the board of trustees owned submerged lands portion of the recommended consolidated intent at its next regularly scheduled meeting for which notice may be properly given, and the board of trustees shall determine whether the application to use board of trustees owned submerged lands should be granted, granted with modifications, or denied. The board of trustees shall then direct the department or water management district to issue a notice of intent to grant or deny the application to use board of trustees owned submerged lands. Unless waived by the applicant, within 14 days following the action by the board of trustees, the department or water management district shall issue a notice of consolidated intent to grant or deny on the application to use board of trustees owned submerged lands, in accordance with the directions of the board of trustees, together with all of the concurrently reviewed applications.

(b) The timely issuance of a recommended consolidated intent to grant or deny as set forth in paragraph (a) is deemed in compliance with s. 120.60(2) timeframes for license approval or denial on the concurrently processed applications for any required permit, waiver, variance or approval under this chapter or chapter 161. Failure to satisfy these timeframes shall not result in approval by default of the application to use board of trustees owned submerged lands.

(c) Any petition for an administrative hearing pursuant to s. 120.57 must be filed within 14 days of the notice of consolidated intent to grant or deny. *Unless waived by the applicant, within 60 days after the recommended order is submitted, or at the next regularly scheduled meeting for which notice may be properly given, whichever is latest, the board of trustees shall determine what action to take on any recommended order issued under s. 120.57 on the application to use board of trustees owned submerged lands, and shall direct the department or water management district on what action to take in the final order concerning the application to use board of trustees owned submerged lands. The department or water management district shall determine what action to take on any recommended order issued under s. 120.57 regarding any concurrently processed permits, waivers, variances, or approvals required by*

this chapter or chapter 161. The department or water management district shall then take final agency action by entering a consolidated final order addressing each of the concurrently reviewed authorizations, permits, waivers, or approvals. Failure to satisfy these timeframes shall not result in approval by default of the application to use board of trustees owned submerged lands. Any provisions relating to authorization to use board of trustees owned submerged lands shall be as directed by the board of trustees. Issuance of the consolidated final order within 45 days after receipt of the direction of the board of trustees regarding the application to use board of trustees owned submerged lands is deemed in compliance with the timeframes for issuance of final orders under s. 120.60(2). The final order shall be subject to the provisions of s. 373.4275.

(3) After the effective date of rules adopted under this section, neither the department nor a water management district may issue a permit under this part unless the requirements for issuance of any additional required authorizations, permits, waivers, variances, and approvals set forth in this section which are subject to concurrent review are also satisfied.

(4) When both an environmental resource permit or dredge and fill permit and a waiver, or variance set forth in paragraphs (1)(b)-(d) are granted in a consolidated order, these permits shall be consolidated into a single permit to be known as a joint coastal permit.

(5) Any application fee required under s. 373.109 for a permit under this part is in addition to any fees required for any of the concurrently reviewed applications for authorizations, permits, waivers, variances, or approvals set forth in subsection (1) or subsection (2). The application fees must be allocated, deposited, and used as provided in s. 373.109.

(6) Whenever a concurrently processed application includes an application to use board of trustees owned submerged lands, any noticing requirements of s. 253.115 shall be met, in addition to those in s. 373.413.

(7) When a water management district acts pursuant to a delegation under s. 253.002, any person instituting an administrative or judicial proceeding regarding such action shall serve a copy of the petition or complaint on the board of trustees. The department or the Department of Legal Affairs, acting on behalf of the board of trustees, may intervene in any such proceeding.

Section 25. Section 373.4275, Florida Statutes, is created to read:

373.4275 Review of consolidated orders.—

(1) Beginning on the effective date of the rules adopted under s. 373.427(1), review of any consolidated order rendered pursuant to s. 373.427(1) shall be governed by the provisions of s. 373.114(1). However, the term "party" shall mean any person who participated as a party in a s. 120.57 proceeding on the concurrently reviewed authorizations, permits, waivers, variances, or approvals, or any affected person who submitted to the department, water management district, or board of trustees oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for the authorization, permit, waiver, variance, or approval, provided that such testimony was cognizable within the scope of this chapter or the applicable provisions of chapter 161, chapter 253, or chapter 258 when the consolidated notice of intent includes an authorization, permit, waiver, variance, or approval under those chapters. In such cases, the standard of review shall also ensure consistency with the applicable provisions and purposes of chapter 253, chapter 258, or chapter 161 when the consolidated order includes an authorization, permit, waiver, variance, or approval under those chapters. If the consolidated order subject to review includes approval or denial of proprietary authorization to use submerged lands on which the board of trustees has previously acted, as described in s. 373.427(2), the scope of review under this section shall not encompass such proprietary decision, but the standard of review shall also ensure consistency with the applicable provisions and purposes of chapter 161 when the consolidated order includes a permit, waiver, or approval under that chapter.

(a) The final order issued under this section shall contain separate findings of fact and conclusions of law, and a ruling that individually addresses each authorization, permit, waiver, variance, and approval that was the subject of the review.

(b) If a consolidated order includes proprietary authorization under chapter 253 or chapter 258 to use submerged lands owned by the Board

of Trustees of the Internal Improvement Trust Fund for an activity for which the authority has been delegated to take final agency action without action of the board of trustees, the following additional provisions and exceptions to s. 373.114(1) apply:

1. The Governor and Cabinet shall sit concurrently as the Land and Water Adjudicatory Commission and the Board of Trustees of the Internal Improvement Trust Fund in exercising the exclusive authority to review the order;

2. The review may also be initiated by the Governor or any member of the Cabinet within 20 days after the rendering of the order in which case the other provisions of s. 373.114(1)(a) regarding acceptance of a request for review do not apply; and

3. If the Governor and Cabinet find that an authorization to use submerged lands is not consistent with chapter 253 or chapter 258, any authorization, permit, waiver, or approval authorized or granted by the consolidated order must be rescinded or modified or the proceeding must be remanded for further action consistent with the order issued under this section.

(2) Subject to the provisions of subsection (3), appellate review of that part of a consolidated order granting or denying authorization to use board of trustees owned submerged lands on which the board of trustees has previously acted, as described in s. 373.427(2), shall be only pursuant to section 120.68.

(3) As with an appeal under s. 373.114, the proper initiation of discretionary review under this section tolls the time for seeking judicial review under s. 120.68.

Section 26. Section 373.422, Florida Statutes, is amended to read:

373.422 Applications for activities on state sovereignty lands or other state lands.—If sovereignty lands or other lands owned by the state are the subject of a proposed activity, the issuance of a permit by the department or a water management district ~~must~~ shall be conditioned upon the receipt by the applicant of all necessary approvals and authorizations under chapters 253 and 258 before from the Board of Trustees of the Internal Improvement Trust Fund prior to the undertaking of the such activity. The department or the governing board ~~must~~ shall issue its permit conditioned upon the securing of the necessary consent or approvals from the Board of Trustees of the Internal Improvement Trust Fund by the applicant. Once the department has adopted rules under s. 373.427 for concurrent review of applications for permits under this part and proprietary authorizations under chapters 253 and 258 to use submerged lands, the permitting conditions required under this section cease to apply to those applications. If the approval or authorization of the board is required, the applicant may not commence any excavation, construction, or other activity until the such approval or authorization has been issued.

Section 27. Subsection (3) of section 373.459, Florida Statutes, is amended to read:

373.459 Surface Water Improvement and Management Trust Fund.—

(3) The amount of money that may be released to a water management district from the Surface Water Improvement and Management Trust Fund for approved plans, or continuations of approved plans, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than 60 percent of the amount of money necessary for the approved plans. of the South Florida Water Management District, Southwest Florida Water Management District, and St. Johns River Water Management District, and not more than 80 percent of the amount of money necessary for the approved plans of the Northwest Florida Water Management District and the Suwannee River Water Management District. The remaining funds necessary for the approved plans shall be provided by the district. The district shall provide at least 40 percent of the amount of money necessary for the plans.

Section 28. Section 378.203, Florida Statutes, is amended to read:

378.203 Definitions.—As used in this part, the term:

(1) "Acres mined" means all acres on which mining operations have resulted in extraction of phosphate rock.

(2) "Annual report" means a detailed report, including maps and aerial photographs, submitted for each mine, which describes and delin-

eates mining operations and reclamation or restoration activities undertaken in the previous calendar year. "Board" means the Governor and Cabinet sitting as the head of the Department of Natural Resources.

(3) "Conceptual reclamation plan" means a graphic and written description of general activities to be undertaken across the whole mine to comply with the reclamation standards and criteria contained in this part.

(4) "Department" means the Department of *Environmental Protection Natural Resources.*

(5) ~~"Executive director" means the chief administrative officer of the department.~~

(5)(6) "Mine" means an area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

(6)(7) "Mining operations" means those physical activities, other than prospecting and site preparation, which are necessary for extraction, waste disposal, storage, or dam maintenance prior to abandonment.

(7)(8) "New mine," as used in s. 378.209, means a mine for which the operator first became obligated to pay a severance tax for the extraction of minerals therefrom after July 1, 1975.

(8)(9) "Operator" means the person engaged, or seeking to be engaged, in the severance of solid minerals, or any other person who is obligated to reclaim mined lands pursuant to s. 211.32(1). For purposes of s. 378.208 relating to financial responsibility, *the term "operator" includes a parent, its subsidiary, or division.*

(9)(10) "Reclamation" means the reshaping of lands in a manner *that* which meets the reclamation criteria and standards contained in this part.

(11) ~~"Reclamation program" means a detailed graphic and written description of a reclamation plan for a segment of a mine that is consistent with the applicable approved conceptual reclamation plan and that shows with specificity how that segment will be reclaimed to comply with the reclamation criteria and standards contained in this part.~~

(10)(12) "Restoration" means the recontouring and revegetation of lands in a manner, consistent with the criteria and standards established *under pursuant to* this part, which will *maintain or improve the water quality and function of the biological systems present at the site return the type, nature, and function of the ecosystem to the condition in existence prior to mining.* In requiring restoration of an area, the department *must shall* recognize technological limitations and economic considerations. For example, restoration *must shall* be considered accomplished when immature trees are used; mature trees are not required to be replanted in areas where mature trees were removed to allow mining.

(11)(13) "Revegetation" means, in reclaimed areas, a cover of vegetation consistent with the criteria and standards established pursuant to this part and consistent with the land form created and the future land uses. In restored areas, it means a cover of vegetation that is designed to return the restored area to the condition in existence prior to mining.

Section 29. Section 378.205, Florida Statutes, is amended to read:

378.205 Administration; powers and duties of the department; agency review responsibility.—

(1) The department shall administer the provisions of this part and shall have the following powers and duties:

(a) To issue conceptual reclamation plan ~~and reclamation program~~ approvals requiring an operator to take such actions as are necessary to comply with ~~the provisions of this part.~~

(b) After proper notice, and upon the presentation of appropriate credentials and other documents as may be required by law, to enter on and inspect at reasonable times and intervals for the purpose of assuring compliance with ss. 378.202-378.212 ~~ss. 378.202-378.213~~, any lands that are subject to ss. 378.202-378.212 ~~the provisions of ss. 378.202-378.213.~~

(c) To prescribe the forms for conceptual reclamation plan ~~and reclamation program~~ applications *and annual reports.*

(d) To adopt those rules necessary to ~~administer implement the provisions of this part.~~

(2)(a) The department ~~will shall~~ be the lead agency responsible for phosphate mine reclamation in accordance with the provisions of this part and with the rules adopted by the department. The department may seek comments from appropriate federal, state, regional, or local governmental agencies to assist it in establishing rules, reviewing reclamation applications, or otherwise implementing the provisions of this part. The department's consideration of comments on proposed conceptual reclamation plans and reclamation programs shall be limited to matters within the jurisdiction of the commenting agency.

(b) ~~If, after July 1, 1980, the Department of Environmental Regulation or the appropriate water management district has issued a permit for work to be conducted on land which is or will be the subject of a reclamation program, and that permit contains conditions that require reclamation or restoration to be conducted according to certain specifications that are consistent with the standards and criteria adopted pursuant to this part, the department shall accept those requirements as part of its reclamation approval process.~~

(c) ~~By January 1, 1987, the department, the Department of Environmental Regulation, and appropriate water management districts shall enter into memoranda of agreement for the purposes of carrying out the requirements of this subsection.~~

Section 30. Subsection (1) of section 378.209, Florida Statutes, is amended to read:

378.209 Timing of reclamation.—

(1) Reclamation should be completed within 2 years *after the* of completion of mining operations, exclusive of a growing season required to ensure establishment of vegetation. For purposes of this section, completion of reclamation *occurs when shall be determined by that point at which* initial revegetation is completed and not at the *time point* of final release of the reclamation *area program*. For the purpose of s. 378.208, the schedule for complete reclamation *is shall be* as prescribed in paragraphs (a)-(e) ~~(a) through (e).~~

(a) For the period July 1, 1975, to December 31, 1980, for existing mines or the first 5-year period of mining for new mines, ~~no reclamation may not shall~~ be required, and any reclamation *that which* is completed *must shall* be credited forward.

(b) For the period January 1, 1981, to December 31, 1985, for existing mines or the second 5-year period of mining for new mines, reclamation of acres mined *must shall* be completed at the rate of an acreage equivalent of 15 percent of the acres mined during the period July 1, 1975, to December 31, 1980, or the immediately preceding 5-year period, as appropriate. Reclamation in excess of the required percentage *must shall* be credited forward.

(c) For the period January 1, 1986, to December 31, 1990, for existing mines or the third 5-year period of mining for new mines, reclamation of acres mined *must shall* be completed at the rate of an acreage equivalent of 60 percent of the acres mined during the period January 1, 1981, to December 31, 1985, or the immediately preceding 5-year period, as appropriate. Reclamation in excess of the required percentage *must shall* be credited forward.

(d) For the period January 1, 1991, to December 31, 1995, for existing mines or the fourth 5-year period of mining for new mines, reclamation of acres mined *must shall* be completed at the rate of an acreage equivalent of 75 percent of the acres mined during the period January 1, 1986, to December 31, 1990, or the immediately preceding 5-year period, as appropriate. Reclamation in excess of the required percentage *must shall* be credited forward.

(e) For the period January 1, 1996, to December 31, 2000, for existing mines or the fifth 5-year period of mining for new mines, and each 5-year period thereafter, reclamation of acres mined *must shall* be completed at the rate of an acreage equivalent of 100 percent of acres mined during the immediately preceding 5-year period. Reclamation in excess of the required percentage *must shall* be credited forward.

Section 31. Paragraph (f) of subsection (1) of section 378.212, Florida Statutes, is created to read:

(f) To accommodate projects, including those proposing off-site mitigation, that provide a significant regional benefit for wildlife and the environment.

Section 32. Subsection (4) of section 378.404, Florida Statutes, is amended to read:

378.404 Department of *Environmental Protection Natural Resources*; powers and duties.—The department shall have the following powers and duties:

(4) To ~~prescribe develop~~ rules to receive and approve annual reports, ~~reclamation program applications~~ when specifically authorized, for the detailed evaluation of reclamation units within conceptual mine plans.

Section 33. Section 378.405, Florida Statutes, is amended to read:

378.405 Reclamation review procedure.—

(1) All agency reviews conducted under this part are subject to ~~the provisions of this section~~. Within 30 days after receipt of an operator's conceptual reclamation plan, the department, ~~the executive director~~ or the affected agency shall review the plan and shall request submittal of all additional information the agency is permitted by law to require. If the applicant believes any agency request for additional information is not authorized by law or agency rule, the applicant may request a hearing ~~under pursuant to~~ s. 120.57. Within 30 days after receipt of such additional information, the agency ~~must shall~~ review it and may request only such ~~further information as is needed to clarify the such~~ additional information.

(2) If the applicant believes the request of the agency for such additional information is not authorized by law or agency rule, the agency, at the applicant's request, shall proceed to process the plan. ~~A plan must Plans shall~~ be approved or denied within 90 days after receipt of the original plan, the last item of timely requested additional information, or the applicant's written request to begin processing the plan.

Section 34. There is hereby appropriated to the Department of Environmental Protection for fiscal year 1994-1995 the sum of \$695,947 from the Pollution Recovery Trust Fund, and six positions are authorized, to carry out responsibilities relating to environmental resource permits. Of the total appropriation the sum of \$453,000 is authorized as a grant in aid from the Department to the Suwannee River Water Management District to carry out the responsibilities relating to environmental resource permits.

Section 35. There is hereby appropriated from the Pollution Recovery Trust Fund to the Department of Environmental Protection for fiscal year 1994-1995 the sum of \$200,000 to be used by the department and the water management districts to develop and publish a training manual for wetlands delineation, including the selection and documentation of the applicability of the wetlands delineation methodology on several reference training sites. To the greatest extent practicable, the reference training sites should be located on public conservation lands and should be selected to represent the broad variety of wetland ecosystems throughout Florida.

Section 36. Sections 270.09 and 378.206, Florida Statutes, are repealed.

Section 37. Section 10 of chapter 93-213, Laws of Florida, is hereby repealed.

And the title is amended as follows:

In title, on page 513, line 3, after "enforcement;" insert: An act relating to environmental management; amending s. 20.255, F.S.; providing for two deputy secretaries; authorizing the assignment of their responsibilities; providing for special offices and for managers of the special offices; exempting the managers from Part II, ch. 110, F.S.; providing for an executive coordinator for ecosystems management; authorizing assistant and deputy division directors; prohibiting the creation of deputy secretaries or senior management positions, except as specified; providing for six administrative districts; deleting provisions for two assistant secretaries of the department; requiring the director of the Division of State Lands to be confirmed by the Board of Trustees of the Internal Improvement Trust Fund; specifying the divisions of the department; creating a commission to make recommendations on the best way to perform functions assigned the Department of Environmental Protection and the Game and Fresh Water Fish Commission; providing for the prospective repeal of s. 20.255(5)(d) and (e); requiring a legislative review; repealing subsection (7) of section 3 of chapter 93-213, Laws of Florida, abrogating the repeal of s. 20.2655(5), F.S., which grants specified review authority to the Governor and Cabinet; repealing s. 370.02, F.S., which relates to

the powers and duties of the Department of Natural Resources; creating s. 161.055, F.S.; providing for a single permit to be issued by the Department of Environmental Protection for specified activities; authorizing the department to adopt rules requiring concurrent application submittal and establishing a concurrent review and permitting procedure for activities regulated under ch. 161, F.S.; providing procedures; specifying the content of rules that are to be adopted; amending s. 161.0535, F.S.; clarifying provisions relating to permit fees and costs; amending s. 161.141, F.S.; deleting a requirement that the department notify a permit applicant of its intent to issue or deny a permit application; deleting a prohibition against beach restoration or renourishment projects unless s. 253.77, F.S., has been complied with; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate to the Department of Environmental Protection its authority relating to the acquisition, administration, or disposition of lands titled in the board; providing for delegation to the department or water management districts by rule authority to take final action on proposed uses of submerged lands; providing for board review of such actions; clarifying the board's authority regarding submerged lands titled in the board; amending s. 253.01, F.S.; clarifying that revenues from certain fees are received by the Division of State Lands; amending s. 253.03, F.S.; providing for a water management district to retain fees charged for processing applications to use state lands; requiring the department to review applications for the use of state-owned submerged lands; revising procedures for reviewing the permits; amending s. 253.115, F.S.; revising procedures relating to public notice relating to the disposition of state lands; deleting procedures relating to the filing of written objections to a proposed disposition; amending s. 253.12, F.S.; revising requirements that the board publish notice of applications for use of tidal lands vested in the state; amending s. 253.52, F.S.; revising requirements for notice of the board's intention to sell oil and gas leases; amending s. 253.70, F.S.; revising notice requirements for public hearings relating to proposed uses of state lands; deleting procedures relating to the filing of written objections to the proposed uses; amending s. 253.77, F.S.; providing requirements for applications that are processed concurrently under s. 373.427, F.S.; prohibiting the issuance of a permit in specified circumstances; deleting notice requirements; amending s. 258.397, F.S.; revising public notice requirements for proposed dredging or filling or certain improvements in the Biscayne Bay Aquatic Preserve; amending s. 258.43, F.S.; revising public notice requirements regarding the board's intention to delegate to a local government responsibilities relating to a resource inventory and management plan; amending s. 270.07, F.S.; requiring the board to provide specified notice before selling, conveying, or disposing of lands that are vested in the board; amending s. 270.08, F.S.; revising prior notice of a sale of lands that are vested in the board; amending s. 373.413, F.S.; revising prior notice of applications for permits for surface water management construction or alteration; authorizing a subscription fee for notice of pending applications; creating s. 373.427, F.S.; providing for concurrent permit review for certain permits and waiver or variance requirements; creating s. 373.4275, F.S.; providing for the review of consolidated orders for certain applications; amending s. 373.422, F.S.; providing that the permitting conditions specified in this section do not apply to certain applications; amending s. 373.459, F.S.; revising distribution of funds to water management districts from the Surface Water Improvement and Management Trust Fund; amending s. 378.203, F.S.; clarifying and deleting certain definitions; defining the term "annual report"; amending s. 378.205, F.S.; deleting required reclamation program approvals; providing for annual reports; repealing obsolete provisions; amending s. 378.209, F.S.; providing, for purposes of the timing of reclamation, for a distinction between reclamation programs and reclamation area; amending s. 378.404, F.S.; authorizing the department to develop rules for receiving and approving annual reports; amending s. 378.405, F.S.; conforming the section to changes incidental to the merger of the Department of Environmental Regulation and the Department of Natural Resources, effected by ch. 93-213, Laws of Florida; providing appropriations; repealing s. 270.09, F.S., relating to bids to purchase public lands; repealing s. 378.206, F.S., relating to approvals of reclamation plans and programs by the Governor and Cabinet; repealing s. 10 of ch. 93-213, L.O.F., relating to the budget of the Department of Environmental Protection; providing an effective date.

On motion by Senator Dantzler, by two-thirds vote **HB 2445** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Turner, by two-thirds vote **CS for HB 1369** was withdrawn from the Committees on Natural Resources and Conservation; Governmental Operations; and Appropriations.

On motion by Senator Turner—

CS for HB 1369—A bill to be entitled An act relating to environmental equity and justice; creating the Environmental Equity and Justice Commission; providing for the appointment of members to the commission; providing for a report; providing for the contents of the report; providing for public hearings; providing for location of public hearings; providing for access to records; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1442** and read the second time by title. On motion by Senator Turner, by two-thirds vote **CS for HB 1369** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote **CS for HB 2025** was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator Kirkpatrick—

CS for HB 2025—A bill to be entitled An act relating to boating; directing the Department of Environmental Protection to mark a navigation channel within Silver Glen Run and Silver Glen Springs and to establish permanent anchorage buoys and restrictions; providing for penalties; providing an effective date.

—a companion measure, was substituted for **CS for SB 2328** and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 2025** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—3

On motions by Senator Turner, by two-thirds vote—

CS for CS for HB 1875—A bill to be entitled An act relating to tourism, sports, and entertainment; providing for the creation and establishment of multi-jurisdictional tourism, sports and entertainment independent special districts; providing legislative findings, policy, intent, declaration and purpose; providing definitions; providing for district requirements in order to qualify for establishment; providing for the purpose of such districts; providing for the election of the board of supervisors; providing for a district manager, treasurer and other officers; providing for the preparation of the districts' budgets and public facilities reports; providing for district elections; providing for general statements of policy to be adopted by ordinance; providing that a stockholder, officer, or employee of a landowner may be a member of the district's board of supervisors or an officer or employee of the district; providing for powers and duties; providing for a transportation system, a water supply and management system, a sewer and wastewater system, a solid waste collection system, and a mosquito and pest control program; providing for police and fire protection within the districts; providing for district governance procedures; providing for the employment of staff and consultants; providing for the acceptance of gifts; providing for the incurring of debt; providing for fees, rates, tolls, and other charges; providing for limited eminent domain authority; providing for ad valorem taxes and special assessments; providing for discretionary sales surtaxes; providing for investment authority; providing for permits and exclusive and nonexclusive franchises; providing for mandatory use of certain district facilities and services; providing for annexation and contraction of districts' boundaries; providing for the adoption of land development and environmental regulations; providing procedures and criteria for granting exclusive and nonexclusive franchises and authorizing fees for franchises; providing for bonding authority; providing for the levying, assessment and enforcement of ad valorem taxes and special assessments; providing for tax liens; providing for the foreclosure of tax liens; providing for the issuance of certificates of indebtedness and assessment bonds; providing for the payment of taxes and the redemption of tax liens; providing for an exemption from taxes; providing for contracting authority and exemp-

tions from certain requirements; providing for the sale and lease of property; providing for liability for torts to a certain extent; providing for dissolution of the districts; providing intent with respect to tax recapture provisions; providing for district records; providing for the establishment of a district in Dade and Broward counties and the City of Miramar and its boundaries; providing definitions applicable to said district; providing for dissolution of said district; providing for powers, duties and limitations of said district; providing for payment in lieu of taxes and assessments; providing for service to out-parcels of said district; providing for future amendments; providing for liberal construction; providing for severability; providing for a regional-impact planning area and management program; providing for consideration of off-site impacts; amending s. 288.1162, F.S., relating to professional sports and spring training franchises; providing that an applicant may not qualify for certification under certain circumstances; providing an exception; amending s. 212.20, F.S.; clarifying distribution of tax proceeds; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional tax to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise; prohibiting a county that imposes such a tax from expending ad valorem tax revenues for such facility; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2918** and by two-thirds vote read the second time by title. On motion by Senator Turner, by two-thirds vote **CS for CS for HB 1875** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31 Nays—8

RECESS

The President declared the Senate recessed at 7:14 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 8:38 p.m. A quorum present—40:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

SPECIAL ORDER, continued

On motion by Senator Siegel, by unanimous consent—

HB 865—A bill to be entitled An act relating to annexation procedures; amending s. 171.0413, F.S.; prescribing procedures for involuntary annexation in certain areas; providing an effective date.

—was taken up out of order. On motions by Senator Siegel, by two-thirds vote **HB 865** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

THE PRESIDENT PRESIDING

RECONSIDERATION

On motion by Senator Johnson, the Senate reconsidered the vote by which—

HB 2347—A bill to be entitled An act relating to education deregulation; repealing s. 230.2309, F.S., relating to the District School Site Restructuring Incentives Program; repealing s. 230.2312, F.S., relating to the Florida Primary Education Program; repealing s. 230.2313, F.S., relating to student services programs; repealing s. 230.2314, F.S., relating to the teachers as advisors program; repealing s. 230.2319, F.S., relating

to the Florida Progress in Middle Childhood Education Program; repealing s. 230.232, F.S., relating to school board duties regarding pupil assignment; repealing s. 231.532, F.S., relating to the district quality instruction incentives program; repealing s. 232.08, F.S., relating to the issuance of age certificates for employment; repealing s. 232.301, F.S., relating to model programs for prevention of student failures and dropouts; repealing s. 233.057, F.S., relating to reading programs; repealing s. 233.0575, F.S., relating to mathematics and science mentor teachers; repealing s. 233.0576, F.S., relating to mathematics and science mentor teacher pilot projects; repealing s. 233.0641, F.S., relating to the free enterprise and consumer education program; repealing s. 233.0643, F.S., relating to water safety education; repealing s. 233.0677, F.S., relating to educational centers for gifted students; repealing s. 233.501, F.S., relating to consortium on quality instructional materials; repealing ss. 233.64, 233.641, 233.642, and 233.643, F.S., relating to the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act and related advisory council; repealing s. 233.65, F.S., relating to residential mathematics and science honors high schools; repealing s. 236.0835, F.S., relating to school bus replacement funding; repealing s. 236.088, F.S., relating to the basic skills and functional literacy compensatory supplement; repealing s. 236.089, F.S., relating to allocations for student development services; repealing s. 236.091, F.S., relating to funding of public school programs of excellence in mathematics, science, and computer education; repealing s. 236.1223, F.S., relating to additional categorical funds for teaching writing skills; repealing s. 236.1224, F.S., relating to categorical funds for science laboratory facilities; repealing s. 236.1227, F.S., relating to the Quality Instruction Incentive Categorical Program; repealing s. 236.135, F.S., relating to computer-related equipment purchasing or leasing; repealing s. 239.121(3), F.S., relating to occupational specialists recruitment and training plans; amending ss. 39.01, 200.001, 200.065, 200.069, 228.041, 228.053, 230.23135, 230.2318, 231.62, 232.01, 232.19, 232.246, 236.013, 236.13, and 236.25, F.S.; correcting cross references and conforming language; amending s. 229.592, F.S., relating to school improvement and education accountability; extending authorization for exceptions to law; correcting cross references and conforming language relating to statutes held in abeyance; providing legislative intent; revising statutes subject to waiver; authorizing additional waivers; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse prevention; deleting required program plans; deleting program review, funding, and evaluation requirements; amending s. 236.02, F.S.; deleting provisions relating to the seventh-period day; amending s. 236.081, F.S.; deleting provisions relating to the extended day supplement; providing that a parent or guardian may withdraw a child from any instruction which conflicts with the parent's religious beliefs; providing an effective date.

—passed as amended this day.

Senator Johnson moved the following amendment which was adopted by two-thirds vote:

Amendment 6 (with Title Amendment)—On page 41, between lines 22 and 23, insert:

Section 22. Subsection (7) is added to section 240.116, Florida Statutes, to read:

240.116 Articulated acceleration.—

(7)(a) *It is the intent of the Legislature to provide the mechanism for students in a home education program, as defined in s. 228.041(34), to participate in Florida's accelerated articulation community college and state university programs, be awarded credit, and be provided transcripts consistent with the educational opportunities available to Florida public and nonpublic secondary school students.*

(b) *The dual enrollment program shall be the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a vocational certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student shall:*

1. *Provide proof of enrollment in a home education program pursuant to s. 232.02(4).*

2. *Comply with entrance requirements established by a community college board of trustees or the Board of Regents as equivalent to entrance requirements for dually enrolled public secondary school students.*

(c) *Home education students enrolled pursuant to this subsection shall be responsible for their own instructional materials and transportation.*

(d) *Each community college and state university shall designate an individual to be responsible for implementation of this subsection.*

Section 23. Subsection (3) is added to section 240.321, Florida Statutes, to read:

240.321 Community college district board of trustees; rules for admissions of students.—

(3) *To enroll as a postsecondary student at a community college, an eligible home education secondary student shall take the general education development test and submit the general education development diploma.*

Section 24. Except as otherwise provided herein, this act shall take effect July 1, 1994.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, between lines 20 and 21, after the semicolon (;) insert: amending s. 240.116, F.S.; providing for articulated acceleration for home education students; amending s. 240.321, F.S.; providing requirements for home education students for enrollment at a community college; providing effective dates.

Senator Dyer moved the following amendments which were adopted by two-thirds vote:

Amendment 7 (with Title Amendment)—On page 3, line 24, insert:

Section 1. Paragraph (a) of subsection (1) and subsection (2) of section 229.58, Florida Statutes, are amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members who are appointed after July 1, 1993. *Each school advisory council shall include in its name the words "school advisory council" and shall be the entity responsible for compliance with all statutory requirements relating to school advisory councils.* Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other *representatives* of business and community citizens who are representative of the ethnic, racial, and economic community served by the school, provided that vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. *Any school board that operates an area vocational-technical center may appoint alumni of the center to serve on the school advisory council in lieu of parents.* Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

Representatives of business and other community members shall be selected by the school according to a procedure established by the school board. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of

school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.

(2) DUTIES.—Each advisory council shall perform such functions as are prescribed by regulations of the school board; however, no advisory council shall have any of the powers and duties now reserved by law to the school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(18) and shall, *by the 1995-1996 academic year, assist in the preparation of provide such assistance as the principal may request in preparing the school's annual budget and plan as required by s. 229.555(1).*

Section 2. Paragraph (c) of subsection (4) and paragraphs (a), (b), and (c) of subsection (6) of section 229.592, Florida Statutes, are amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(4) DEPARTMENT.—

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(18), after one full school year of planning and development, *or does not comply, by July 1, 1995, with school advisory council membership composition requirements, pursuant to s. 229.58(1).* The department shall send a technical assistance team to each school *that lacks without* an approved plan to develop such a school improvement plan *or to each school that lacks appropriate school advisory council membership composition to develop a strategy for corrective action.* The department shall release the funds upon approval of the plan *or upon establishment of a plan of corrective action.* Notice shall be given to the public of the department's intervention and shall identify each school *that lacks without* a plan *or that lacks appropriate school advisory council membership composition.*

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the General Appropriations Acts of 1991, 1992, and 1993, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing *that said statute is shall be null and void for that said fiscal year:* ss. 228.0855; 230.2215; 230.2305; 230.2309; 230.2312; 230.2313; 230.2314; 230.2316(11), (12), and (13); 230.2318; 230.2319(6), (7), (8), and (9); 231.087; 231.532; 231.613; 232.257; 232.301; 233.057; 233.0575; 233.0576; 233.0615; 233.067(5), (6), (7), (8), and (11); ~~233.069; 233.65; 234.021; 236.02(3); 236.0835; 236.0873; 236.083; 236.088; 236.089; 236.091; 236.092; 236.122; 236.1221; 236.1223; 236.1224; 236.1227; 236.1228; and 239.401.~~ In the event the extended day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropriation in the General Appropriations Act of 1991, 1992, or 1993, those provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.

(b) Until July 1, 1994, the methods and requirements of the following statutes shall be held in abeyance: ss. 228.088; 229.57(4) and (5); 230.232; 232.08; 233.0641; 233.0643; 233.0645; 233.0677; 233.501; 233.64; 233.641; 233.642; and 233.643.

In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process.

(c) Until July 1, 1994, the Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01; 232.04; 232.245; 232.2462; 232.426; 233.011; 233.34(2); 236.013(3) relating to the 36-hour limit; and 236.135. Graduation requirements in s. 232.246 may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory if a waiver from the requirements of s. 232.2462 has been approved based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

Section 3. Paragraph (c) of subsection (1) of section 229.594, Florida Statutes, is amended to read:

229.594 Powers and duties of the commission.—

(1) The commission shall review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement. Specifically, the commission shall:

(c) Recommend to the Legislature and State Board of Education, as appropriate, the components of a system of school improvement and accountability. Initial recommendations must be reviewed and revised as necessary annually and must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals and a definition of what shall be considered "adequate progress" toward meeting these performance standards. ~~Effective June 1, 1993, such standards must incorporate the provisions of s. 239.229.~~

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include the most effective and efficient procedures available from the current system of assessment and alternative and new assessment practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and individual schools. Emphasis shall be placed on reporting individual school improvement and progress, and comparisons between schools shall be minimized. Methods for reporting the status of children and families and community services available in each school district to help children and families in need shall also be developed.

4. Effective use of existing methods for recognizing schools and development of necessary additional methods to recognize schools that meet or make adequate progress toward the education goals. The commission shall also consider the development of incentives including financial incentives for schools that make exceptional progress toward the education goals.

5. Guidelines that may be adopted as ~~rules~~ and used by the State Board of Education and the school board in determining the action for any school that does not improve after 3 years of assistance and intervention, including commission responsibility in recommending action for said schools. The guidelines shall be stringent and shall ensure that the school is not permitted to continue serving students in a less than adequate manner.

If in the opinion of the commission an adequate system of accountability is in place to protect the public interest, the commission may recommend to the Legislature the repeal or revision of laws, including fiscal policies, and to the State Board of Education the repeal or revision of rules, which in the opinion of the commission stand in the way of school improvement. The commission may defer any or all recommendations for repeal or revision of laws and rules until such time as it determines an adequate system of accountability to be established and implemented.

Section 4. Paragraph (a) of subsection (18) of section 230.23, Florida Statutes, is amended, and subsection (19) is added to that section, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but not be limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592, shall be based on a needs assessment, and shall include school progress, goals, indicators of student progress, strategies, and evaluation procedures, including adequate measures of individual student performance. *Beginning in 1995-1996, each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation, as determined within school board policy.* Each school shall develop its initial individual school improvement plan to be submitted for approval during the 1992-1993 school year and shall implement the initial plan as approved beginning with the 1993-1994 school year.

(19) LOCAL-LEVEL DECISIONMAKING.—

(a) Adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Included in those policies shall be guidelines for schools in the adoption and purchase of district and school site instructional materials, technology, staff training, student support services, budgeting, and the allocation of staff resources.

(b) Adopt waiver process policies from school board policy and administrative rule for all schools to exercise maximum flexibility.

(c) Develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements established in s. 229.58.

Section 5. Subsection (4) of section 233.07, Florida Statutes, is amended to read:

233.07 State instructional materials committees.—

(4) For purposes of this chapter, the term "instructional materials" means ~~are defined as~~ items that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, slides, films and filmstrips, recordings, manipulatives, computer software ~~coursework~~,

video discs, or other such electronic media or combination thereof, and other commonly accepted instructional tools. *The term does not include electronic or computer hardware or supplies.*

Section 6. Paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is amended to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) Written proof that the publisher has provided written correlations to the following instructional objectives when appropriate: *outcomes specified in "Blueprint 2000,"* standards of excellence, the minimum student performance standards, and the raise achievement in secondary education program (RAISE), which provides for curriculum frameworks for secondary level courses.

Section 7. Section 236.122, Florida Statutes, is amended to read:

236.122 Allocation for instructional materials.—*Annually, a separate categorical amount must be established in the General Appropriations Act as an allocation for instructional materials. These funds may be used only for instructional materials as defined in s. 233.07.* The department is authorized to allocate and distribute to each district ~~this an~~ amount ~~as prescribed annually by the Legislature~~ for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this section, unweighted full-time equivalent students enrolled in the laboratory schools in the State University System are to be included as school district students and reported as such to the department. The annual allocation shall be determined as follows:

(1) The growth allocation for each school district shall be calculated as follows:

(a) Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

(b) Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

(c) The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(2) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(3) In the event the funds appropriated are not sufficient for the purpose of implementing this section in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

Section 8. Section 236.1221, Florida Statutes, is created to read:

236.1221 District allocation of instructional materials funds.—Each school board shall establish policies and procedures to allow for the flexible use of instructional materials funds provided under s. 236.122. The policies and procedures must reflect the nature and intent of school site decisionmaking established in the provisions of "Blueprint 2000," pursuant to ss. 229.591 and 229.592.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: amending s. 229.58, F.S.; providing a name requirement for school advisory councils and providing council responsibilities and duties; amending s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; requiring notice of certain deficiency; providing for waiver of provisions relating to use of instructional materials allocations; amending s. 229.594, F.S.; deleting a requirement relating to performance standards; amending s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; requiring local-level decisionmaking policies; amending s. 233.07, F.S.; redefining the term "instructional materials"; amending s. 233.25, F.S.; prescribing requirements applicable to publishers and manufacturers of instructional materials; amending s. 236.122, F.S.; requiring a separate classrooms-first allocation to be established annually in the General Appropriations Act; creating s. 236.1221, F.S.; providing for school district allocation of instructional materials funds;

Amendment 8 (with Title Amendment)—On page 3, line 24, insert:

Section 1. Section 231.45, Florida Statutes, is amended to read:

~~231.45 Principal and superintendent to keep~~ Records of absences.—~~The administrator principal of each designated organizational unit school shall see that both the days present and the days absent for each employee are reported to the superintendent at least once each month in the manner on the forms prescribed for that purpose. This report shall include the exact dates of, and the reasons for, each absence. Each The superintendent of each district in the state shall establish procedures to ensure maintenance of the keep full and complete records of all such absences and advise the school board as to the disposition to be made of claims arising for payment of such benefits as are provided by law.~~

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: amending s. 231.45, F.S.; authorizing school district administrators to transmit certain employee attendance records to the superintendent in the form prescribed for that purpose;

Senators Meadows and Gutman offered the following amendment which was moved by Senator Meadows and adopted by two-thirds vote:

Amendment 9 (with Title Amendment)—On page 41, between lines 17 and 18, insert:

Section 21. Legislative findings and declaration.—The Legislature finds and declares that a study of the assessment of culturally and linguistically diverse populations is an appropriate response to the need to develop assessment methods to address the large and growing population of culturally and linguistically diverse children and adolescents in the state. The unavailability of culturally and linguistically sensitive and adequate test instruments makes the appropriate assessment of the special needs of these children difficult. The result is that many immigrant, low socioeconomic status, and/or minority children and adolescents do not receive the services that are appropriate to their needs.

Section 22. Study of the assessment of culturally and linguistically diverse populations.—There shall be conducted a study of the assessment of culturally and linguistically diverse populations as a cooperative venture with Florida International University, the University of Miami, Bethune-Cookman College, Florida Memorial College, and the Dade County public schools. The purpose of the study shall be the development, field testing, validation, and standardization of instruments for the assessment of intellectual functioning, academic achievement, learning styles, personality, and behavior. The study shall:

(1) Examine the history, nature, and elements of the assessment process so as to develop new techniques that are appropriate, culturally sensitive, and linguistically unbiased.

(2) Document the current state of assessment for culturally and linguistically diverse populations and facilitate the development of appropriate assessment instruments.

(3) Make recommendations regarding the provision of inservice training to public school professionals such as school psychologists and speech pathologists who are involved in the assessment process and the provision of training to graduate students, including those who are from a culturally or linguistically diverse background, who are preparing to become school psychologists or speech pathologists.

(4) Recommend establishment of a clearinghouse where materials, including publications, handbooks, training manuals, audio-visual materials, and developed assessment instruments, may be accessed for use statewide.

(5) Prepare and present a report to the Division of Public Schools of the Department of Education on or before July 1, 1997, after which time the study shall stand dissolved.

Section 23. There is hereby appropriated from the General Revenue Fund of the State of Florida \$75,000 to the Department of Education to carry out the provisions of this act.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 3, line 18, after the semicolon (;) insert: providing for a study of the assessment of culturally and linguistically diverse populations; providing study requirements; requiring a report; providing an appropriation;

Senator Crist moved the following amendment which was adopted by two-thirds vote:

Amendment 10 (with Title Amendment)—After the enacting clause, insert:

Section 1. A new paragraph (1) is added to subsection (1) of section 232.246, Florida Statutes, to read:

232.246 General requirements for high school graduation.—

(1) Successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation. The 24 credits shall be distributed as follows:

(1) *Student completion of an International Baccalaureate curriculum shall be deemed to meet the curricular requirements of this subsection.*

Section 2. Paragraphs (a) and (c) of subsection (1) of section 232.2465, Florida Statutes, are amended to read:

232.2465 Florida Academic Scholars' Certificate Program.—For the purpose of recognizing and rewarding outstanding performance and academic achievement on the part of public school students and nonpublic school students, the Commissioner of Education shall award to each high school graduate who meets the requirements specified herein, and as further specified by the State Board of Education, a special certificate recognizing and designating the graduate as a Florida Academic Scholar.

(1) In order to qualify as a Florida Academic Scholar, a student must:

(a) ~~Effective with the 1983-1984 school year, Complete a program of at least 24 credits two more credits than the minimum number of credits required for high school graduation~~ in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature;

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available;

3. Four years of progressively advanced instruction in mathematics, including courses in algebra and geometry and calculus or trigonometry;

4. Two years of sequential foreign language;

5. One year of instruction in art and music or in either art or music;

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems; and

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(c) In lieu of the requirements specified in paragraphs (a) and (b), successfully complete the International Baccalaureate Program sponsored and administered by the International Baccalaureate Office. *A student who completes the International Baccalaureate curriculum and achieves the score required in paragraph (b) shall also qualify.*

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 2, after the semicolon (;) insert: amending s. 232.246, F.S.; revising certain standards related to high school graduation; amending s. 232.2465, F.S.; revising qualification standards for Florida Academic Scholars;

On motion by Senator Johnson, **HB 2347** as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

On motion by Senator Turner, by unanimous consent—

HB 2799—A bill to be entitled An act relating to rehabilitation of persons having disabilities; amending s. 316.193, F.S., relating to driving under the influence; conforming a reference to the Impaired Drivers and Speeders Trust Fund as renamed in this act; amending s. 318.21, F.S., relating to disposition of civil penalties by county courts; conforming a reference to that trust fund; amending s. 395.404, F.S., relating to trauma registry; deleting a cross-reference to a section repealed by this act; amending s. 413.20, F.S.; revising and adding definitions; providing applicability to the part; amending s. 413.205, F.S.; revising provisions relating to collateral payments; creating s. 413.215, F.S.; providing for status in workers' compensation proceedings; amending s. 413.22, F.S.; providing for Division of Vocational Rehabilitation rules; amending s. 413.23, F.S.; revising terminology; providing authorization to prepare a state plan; amending s. 413.24, F.S.; revising provisions relating to cooperation with the Federal Government; amending ss. 413.26 and 413.27, F.S.; revising provisions relating to cooperative agreements; creating s. 413.273, F.S.; providing benefits and requirements for members of certain councils; amending s. 413.275, F.S.; revising and renaming the Florida Council for the Hearing Impaired; amending s. 413.28, F.S.; revising provisions relating to federal funds; amending s. 413.29, F.S., relating to gifts; amending s. 413.30, F.S.; revising eligibility for vocational rehabilitation services; amending s. 413.31, F.S.; revising terminology; amending s. 413.32, F.S.; providing for rules relating to title to and disposal of equipment; amending s. 413.341, F.S.; revising provisions relating to confidential records; amending s. 413.36, F.S.; revising terminology; amending s. 413.371, F.S.; authorizing contracts for independent living program services; creating s. 413.393, F.S.; providing for a state plan for independent living; amending s. 413.395, F.S.; revising provisions relating to the Florida Independent Living Advisory Council and renaming the council; providing duties; amending s. 413.40, F.S.; revising provisions relating to division powers for independent living services; amending s. 413.401, F.S.; revising eligibility for independent living services; amending s. 413.405, F.S.; revising provisions relating to the rehabilitation advisory council; creating s. 413.407, F.S.; creating the Assistive Technology Advisory Council; prescribing its duties; amending ss. 413.41 and 413.42, F.S., relating to cooperation with state and federal agencies; amending s. 413.43, F.S., relating to utilization of funds; amending s. 413.46, F.S.; revising legislative intent relating to referral of certain persons; creating s. 413.465, F.S.; providing a short title; amending s. 413.48, F.S.; revising provisions relating to a central registry; amending s. 413.49, F.S.; providing Division of Vocational Rehabilitation duties relating to a treatment program for persons with brain or spinal cord injuries; creating s. 413.507, F.S.; providing eligibility; amending s. 413.604, F.S., relating to nursing home residents; amending s. 413.605, F.S.; revising provisions relating to the advisory council on spinal cord injuries; expanding the scope of its duties to include brain injuries; amending s. 413.613, F.S.; renaming a trust fund and conforming provisions; requiring matching funds; amending ss. 413.615, 413.70, 413.72, 413.73, and 413.74, F.S.; conforming provisions to this act; amending s. 413.731, F.S.; providing that the division is the payor of last resort; amending ss. 427.706 and 427.708, F.S.; revising a reference to the Florida Council for the Hearing Impaired; repealing ss. 413.25, 413.35, 413.381, 413.47, 413.601, 413.602, 413.603, 413.611, 413.612, 413.614, and 413.71, F.S., relating to a repealed federal act, limitation on political activity, definitions, legislative intent, establishment of a plan for certain treatment, reports of head-injured persons, and transitional living facilities; providing an effective date.

—was taken up out of order. On motions by Senator Turner, by two-thirds vote **HB 2799** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Jenne, by unanimous consent—

HB 2879—A bill to be entitled An act relating to state moneys; prescribing criteria for withdrawing moneys from the Budget Stabilization Fund; providing an effective date.

—was taken up out of order. On motions by Senator Jenne, by two-thirds vote **HB 2879** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—None

On motion by Senator Jenne, by unanimous consent—

HB 2881—A bill to be entitled An act relating to state moneys; amending s. 215.32, F.S.; revising the funds into which all moneys received by the state must be deposited and within which they must be accounted for; specifying the manner of dividing these moneys into these funds; specifying the use and investment of moneys in these funds; repealing ss. 212.081(4) and 420.5094, F.S., relating to legislative intent on certain moneys available in excess of general revenue needs and to the single-family mortgage revenue bond program, and amending ss. 216.221 and 252.37, F.S., relating to the financing of deficits and disasters, to conform; amending ss. 265.51 and 265.55, F.S.; restricting authority of the Department of State to make agreements to indemnify for certain losses, and of the Comptroller to pay such claims, to specific appropriations for that purpose; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Crenshaw moved the following amendment which was adopted:

Amendment 1—On page 5, strike line 15 and insert: provided by s. 215.18; however, under no circumstances may a transfer be made pursuant to s. 215.18 for a deficit occurring in the Election Campaign Financing Trust Fund. If the Comptroller determines that

On motion by Senator Jenne, by two-thirds vote **HB 2881** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

On motion by Senator Myers, by unanimous consent—

HB 2811—A bill to be entitled An act relating to Broward County; providing for the Sheriff of Broward County to authorize municipal officers to engage in law enforcement activities on an extrajurisdictional basis; requiring the municipal officers to follow certain procedures while engaged in such activities; providing for the delegation of responsibilities, immunities, training, and supervision on a departmental basis; providing an effective date.

—was taken up out of order. On motions by Senator Myers, by two-thirds vote **HB 2811** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motions by Senator Forman, by two-thirds vote **HB 1869** was withdrawn from the Special Master on Claims; and the Committee on Finance, Taxation and Claims.

On motion by Senator Forman, by unanimous consent—

HB 1869—A bill to be entitled An act relating to North Broward Hospital District; providing for the relief of Troy Brown, a minor, by and through his mother and next friend, Patricia Ware, to compensate him for a verdict rendered which is in excess of the limits of the waiver of sovereign immunity; providing for payment by North Broward Hospital District; providing an effective date.

—was taken up out of order. On motions by Senator Forman, by two-thirds vote **HB 1869** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Senate resumed consideration of—

HB 2413—A bill to be entitled An act relating to regulation of professions; creating s. 455.2185, F.S.; exempting from state licensure requirements out-of-state or foreign professionals who are employed or designated by a sports entity visiting the state for a specific sporting event; providing limits on the practice permitted such professionals; repealing ss. 458.3095 and 459.0051, F.S., relating to exemption from state licensure requirements for physicians licensed in another state who are employed or designated by a sports entity visiting the state for a specific sporting event, to conform; creating s. 455.2142, F.S.; revising continuing education requirements for health care practitioners serving in the Legislature; amending s. 455.2226, F.S.; requiring persons licensed or certified under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure or recertification; amending s. 455.261, F.S.; providing that certain information obtained by impaired practitioner consultants and the Department of Business and Professional Regulation is immune from discovery in civil actions; amending s. 458.307, F.S., relating to the Board of Medicine; eliminating a provision relating to probable cause panels; amending s. 455.206, F.S.; correcting a cross-reference; amending s. 458.311, F.S.; revising licensure requirements for medical physicians; revising an educational and postgraduate training requirement; allowing certain applicants to complete a fellowship to partially satisfy the licensing requirements; requiring applicants to provide sufficient information and fingerprints; revising a restriction on the number of times an applicant may fail the examination to include remediation after a certain number; eliminating a provision relating to restricted licensure of foreign-trained physicians, which provision was repealed on October 1, 1993; providing for those foreign-trained physicians to pursue licensure notwithstanding the repeal of that provision; reenacting s. 458.310(2)(a), F.S., relating to restricted licenses, to incorporate the amendment to s. 458.311, F.S., in a reference thereto; amending s. 458.313, F.S.; revising requirements for licensure by endorsement; eliminating a provision authorizing oral examinations; providing for additional remedial education or training upon failure to pass the licensing examination after a certain number of attempts; correcting a cross-reference; amending s. 458.3145, F.S., relating to medical faculty certificates; revising renewal requirements; removing provisions relating to extent of practice; revising a provision relating to the maximum number of certificateholders authorized at specified institutions and facilities; amending ss. 458.316, 458.3165, 458.317, F.S.; correcting cross-references; amending s. 458.319, F.S.; clarifying requirements for renewal of license; creating s. 458.326, F.S.; authorizing physicians to prescribe or administer controlled substances for the treatment of intractable pain and providing requirements thereof; creating ss. 458.3312 and 459.0152, F.S.; prohibiting physicians and osteopathic physicians from falsely representing that they are board-certified specialists; providing for the adoption of rules; amending ss. 458.331 and 459.015, F.S.; revising and providing grounds for disciplinary action; reenacting ss. 458.311(1)(d) and (5), 458.313(7), and 458.345(1)(b), F.S., relating to licensure by examination, licensure by endorsement, and registration of resident physicians, interns, and fellows, to incorporate the amendment to s. 458.331, F.S., in references thereto; amending s. 458.347, F.S.; revising requirements for certification of physician assistants certified under ch. 459, F.S.; defining the term “continuing medical education”; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; revising certain other requirements for certification; deleting provisions relating to reactivation of an inactive certificate as a physician assistant and to automatic expiration of the certificate; amending s. 459.022, F.S.; revising requirements for certification of physician assistants certified under ch. 458, F.S.; defining the term “continuing medical education”; allowing physician assistants to show by affidavit evidence of compliance with statutory academic requirements; amending s. 766.1115, F.S., to conform; correcting a definition; amending s. 459.007, F.S.; revising requirements for licensure as an osteopathic physician by endorsement; amending s. 459.011, F.S.; providing that it is state policy that physicians licensed under chapter 458 and osteopathic physicians licensed under chapter 459 be accorded

equal professional status and privileges and providing requirements with respect thereto; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractor by examination; creating s. 460.4061, F.S.; providing for a restricted license as a chiropractic physician; amending s. 460.408, F.S.; revising provisions relating to approval of continuing education courses for chiropractors; providing for reinstatement of certain chiropractor licenses; creating s. 461.0055, F.S.; providing for investigation of the qualifications of applicants for licensure as a podiatrist; creating s. 461.011, F.S.; prohibiting sexual misconduct in the practice of podiatric medicine, for which there are disciplinary actions; amending s. 461.013, F.S.; revising and providing grounds for disciplinary action; revising penalties, including increasing the administrative fine; reenacting ss. 320.0848(7), 455.236(4)(g), 461.006(2)(c), and 766.111(2), F.S., relating to disabled person parking permits, financial arrangements between referring health care providers and providers of health care services, applicants for licensure to practice podiatric medicine, and unnecessary diagnostic testing, to incorporate the amendments to ss. 461.013 and 466.028, F.S., in references thereto; creating s. 461.018, F.S.; providing for limited scope of practice of podiatric medicine within a specified area of need; creating s. 461.019, F.S.; providing for a podiatric medical faculty certificate; amending s. 463.006, F.S.; revising accreditation provisions relating to licensure as an optometrist; amending s. 464.004, F.S.; increasing the membership of the Board of Nursing; amending s. 464.005, F.S.; requiring the board's executive director to be a registered nurse; amending s. 464.008, F.S.; providing that applicants for licensure as a registered or licensed practical nurse are responsible for the fee required by the Department of Law Enforcement for background checks; amending s. 464.015, F.S.; revising the period during which the terms “Graduate Nurse” and “Graduate Practical Nurse” and their corresponding abbreviations may be used; amending s. 464.022, F.S.; revising and providing exemptions from regulation under ch. 464, F.S., relating to nursing; amending s. 465.003, F.S.; revising the definition of “practice of the profession of pharmacy”; providing the definition of “kidney dialysis home health care system”; amending ss. 465.014, 465.015, and 499.003, F.S.; correcting cross-references; creating s. 465.0075, F.S.; providing for licensure of certain foreign-trained pharmacists; providing for future repeal of the section; creating s. 465.0105, F.S.; providing for a pharmacy specialist certificate; amending s. 465.0125, F.S.; providing responsibilities of consultant pharmacists and Doctors of Pharmacy; amending s. 465.0156, F.S.; revising information required for registration of nonresident pharmacies; amending s. 465.0196, F.S.; providing requirements for issuance of special pharmacy permits to operators of kidney dialysis home health care systems; providing for the operation of certain nonprofit pharmacies; correcting a cross-reference; amending s. 465.186, F.S.; increasing the membership of the committee responsible for establishing the formulary of medicinal drug products and dispensing procedures; amending s. 831.30, F.S., relating to the offense of fraudulently obtaining medicinal drugs; revising a cross-reference; amending s. 466.003, F.S.; defining “oral and maxillofacial surgery”; amending s. 466.004, F.S.; revising purpose of the Council on Dental Hygiene; amending s. 466.006, F.S.; adding a qualification for taking the examination for licensure as a dentist; amending s. 466.028, F.S.; providing an additional ground for disciplinary action by the Board of Dentistry; increasing the administrative fine; reenacting s. 466.011, F.S., relating to licensure, to incorporate the amendments to ss. 466.006 and 466.028, F.S., in references thereto; creating s. 466.0282, F.S.; providing requirements for dentists holding themselves out as specialists; creating s. 466.045, F.S.; providing for annual accountings of various licensure fees collected under ch. 466, F.S., relating to dentistry, dental hygiene, and dental laboratories; amending s. 467.009, F.S.; revising and providing requirements for midwifery educational programs; reenacting s. 467.205(1), (3), and (4), F.S., relating to approval of midwifery programs, to incorporate the amendment to s. 467.009, F.S., in references thereto; amending s. 468.1115, F.S.; providing an exemption from regulation as a speech-language pathologist or audiologist; amending s. 468.1145, F.S.; increasing certain licensure, certification, and inactive status fees; amending s. 468.1155, F.S.; revising provisional licensure requirements; providing that applicants for dual licensure in speech-language pathology and audiology are not required to hold a second master's degree; amending s. 468.1215, F.S.; revising accreditation provisions relating to certification as a speech-language pathology assistant or as an audiology assistant; amending s. 468.1295, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license or failing to notify the board of a change in mailing address within a specified time; amending s. 468.1695, F.S.; reducing the number of times a year the examination for licensure as a nursing home administrator must be given; amending s. 468.209, F.S.; revising licensure requirements for licensure as an occupational therapist or occupational therapist

assistant; providing for certain temporary permits; amending s. 468.213, F.S.; revising requirements for licensure by endorsement; amending s. 468.225, F.S.; providing exemptions from regulation of occupational therapy; amending s. 468.301, F.S.; defining "mammographer"; amending s. 468.302, F.S.; adding the certification category of mammographer; specifying which certificateholders may perform mammography and brachytherapy; revising the supervision required for hospital residents and students; amending s. 468.304, F.S.; modifying qualifications for certification; specifying qualifications for certification as a mammographer; amending s. 468.306, F.S.; modifying examination qualifications; amending s. 468.3065, F.S.; specifying a nonrefundable fee; amending s. 468.307, F.S.; conforming qualifications for temporary certification; modifying requirements for the display of certificates; creating s. 468.3071, F.S.; providing for mammographer certification based on prior experience; providing for future repeal; amending s. 468.309, F.S.; revising the expiration date of certificates; amending s. 468.3095, F.S.; specifying a nonrefundable fee; amending s. 468.311, F.S.; revising an offense for which a penalty is provided; amending s. 468.314, F.S.; increasing the membership of the Advisory Council on Radiation Protection by adding a certified radiologic technologist-mammography and a representative of the Department of Education; deleting obsolete provisions relating to staggered terms; providing for appointment of replacement members under specified circumstances; specifying source of reimbursement for travel expenses; redefining the scope of the advisory council; deleting obsolete Sundown provisions; amending s. 468.509, F.S.; revising accreditation provisions relating to licensure as a dietitian/nutritionist; amending s. 468.511, F.S.; revising procedures for temporary permits for certain dietitian/nutritionist applicants; amending s. 478.42, F.S.; revising the definition of "electrolysis or electrology"; amending s. 478.44, F.S.; increasing membership of the Electrolysis Council; amending s. 478.45, F.S.; revising requirements for licensure as an electrologist; providing for the approval of an electrology licensure examination; amending ss. 478.46 and 478.47, F.S., relating to temporary permits and licensure by endorsement; correcting cross-references; creating s. 478.475, F.S.; providing for licensure without examination; amending s. 483.035, F.S.; providing responsibility of the Agency for Health Care Administration for personnel standards for exclusive use laboratories; amending s. 483.041, F.S.; including licensed optometrists within the definition of "licensed practitioner" for purposes of laws regulating clinical laboratories; amending s. 483.051, F.S.; revising provisions relating to alternate-site testing; providing responsibility of the agency; providing certain responsibilities of clinical laboratory directors; deleting requirement for consultation with the Board of Clinical Laboratory Personnel; directing the agency to solicit certain comments; specifying a testing protocol; specifying minimum training and education for those who perform testing; amending ss. 483.23, 483.800, 483.801, 483.803, and 483.813, F.S.; providing that provisions governing the regulation and licensure of clinical laboratory personnel do not apply to persons engaged in alternate-site testing or in testing performed at practitioners' exclusive use laboratories or laboratories that perform only waived tests; revising the definition of "clinical laboratory personnel"; revising requirements for temporary licensure of clinical laboratory personnel; amending s. 483.26, F.S.; requiring establishment of a technical advisory panel; providing composition; amending s. 483.811, F.S.; deleting reference to board responsibility for regulation of personnel in laboratories operated under s. 483.035, F.S.; amending s. 483.825, F.S.; revising and providing grounds for disciplinary action; amending s. 483.827, F.S.; revising administrative penalties; creating s. 483.828, F.S.; providing criminal penalties for specified violations; amending ss. 484.002 and 484.003, F.S.; correcting a reference; amending s. 484.007, F.S.; revising requirements for licensure as an optician; requiring the permitting of optical establishments; providing application and fee requirements for such a permit; providing requirements when there is a change in ownership; amending s. 484.013, F.S.; prohibiting the opening or operating of unpermitted optical establishments; providing penalties; amending s. 484.014, F.S.; applying grounds for disciplinary actions and the disciplinary actions themselves to optical establishment permit holders; amending s. 484.018, F.S.; providing additional exceptions to regulation under part I of chapter 484, F.S., relating to preparing and dispensing of eyeglasses and other optical devices; providing an appropriation to implement the permitting of optical establishments; amending ss. 486.031, 486.041, 486.103, F.S.; eliminating temporary permits for physical therapists and physical therapist assistants and providing for graduate status for each under certain circumstances; providing an alternative licensure examination; revising accreditation provisions relating to licensure as a physical therapist; amending ss. 486.021, 486.081, 486.102, 486.107, F.S.; revising a definition and eliminating provisions relating to temporary permits, to conform; providing an alternative licensure examination; revising accred-

itation provisions relating to licensure as a physical therapist assistant; creating s. 486.123, F.S.; prohibiting sexual misconduct in the practice of physical therapy, for which there are disciplinary actions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 490.005, F.S., relating to licensure of psychologists and school psychologists; increasing application fees; revising accreditation and other educational requirements; amending s. 490.006, F.S.; revising psychology licensure by endorsement requirements; amending s. 456.32, F.S.; including other licensed professionals within the definition of "practitioner of the healing arts" for purposes of provisions regulating hypnosis; amending s. 491.005, F.S.; revising fees and costs applicable to applicants for licensure as marriage and family therapists; revising accreditation provisions relating to licensure as a marriage and family therapist or as a mental health counselor; creating s. 491.0055, F.S.; providing for licensure of certain persons as mental health counselors under special conditions involving a district court order; providing for future repeal of the section; amending ss. 468.1245 and 484.051, F.S.; directing purchasers to direct complaints concerning hearing aids to the Department of Business and Professional Regulation; requiring the Board of Speech-Language Pathology and Audiology and the Board of Hearing Aid Specialists to adopt rules relating to informing hearing aid purchasers of telecoil, "t" coil, or "t" switch technology; amending s. 400.211, F.S.; revising certification requirements for nursing assistants; authorizing the Department of Business and Professional Regulation to perform, provide, contract for, or grant approval for others to perform or provide nursing assistant certification services and commodities; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rule-making authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; providing an appropriation to implement the regulation of athletic trainers; amending s. 466.007, F.S.; revising requirements for examination of dental hygienists; creating s. 455.2222, F.S.; requiring persons licensed or certified to provide certain medical, dental, social, or counseling services to take a course on domestic violence as part of their continuing education requirements; requiring applicants for initial licensure to take such a course; providing duties of the affected professional boards relating to such requirements and granting rulemaking authority therefor; requiring each affected professional board to submit an annual report to the Legislature; amending s. 455.2226, F.S., to correct a cross-reference; amending s. 455.227, F.S.; making failure to comply with such educational course requirements a ground for disciplinary action; providing penalties; requiring the Department of Business and Professional Regulation to provide recommendations to the Legislature for a uniform licensing system for foreign-trained and foreign-licensed professionals; providing for issuance of restricted medical licenses without examination to a specified group; providing guidelines for issuance of such restricted license; amending s. 404.051, F.S.; directing the Department of Health and Rehabilitative Services to develop certain healing arts self-referral programs for mammography and bone densitometry; creating part XIV of chapter 468, F.S., relating to invasive cardiovascular technology; providing for regulation of the practice of invasive cardiovascular technology under the Department of Business and Professional Regulation; providing a short title, purpose, and definitions; requiring invasive cardiovascular technologists to register with the State of Florida; establishing qualifications for Florida registration; providing application, initial registration, and renewal fees; providing for biennial renewal; providing rulemaking authority; amending ss. 455.214 and 458.317, F.S.; allowing limited licenses to work for certain agencies or institutions; amending s. 455.207, F.S.; providing that the membership of committees established by boards within the Department of Business and Professional Regulation must consist of currently appointed members of the appointing board unless otherwise specified by law; amending s. 490.014, F.S.; expanding exemptions to include certain school psychologists; amending s. 458.317, F.S.; providing for fees if a person receives monetary compensation for the practice of medicine; providing an applicant need not provide a copy of medical degree; creating s. 458.115, F.S.; providing for examination and licensure of foreign-trained physicians; providing effective dates.

—with pending **Amendment 1** by Senator Dyer.

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A—On page 17, lines 11 and 12, strike "*5 persons at each teaching hospital as defined in s. 408.07 and*"

Senator Gutman moved the following amendment to **Amendment 1** which failed:

Amendment 1B (with Title Amendment)—On page 161, between lines 29 and 30, insert:

Section 150. Notwithstanding s. 458.313, Florida Statutes, any physician who holds a medical faculty certificate, has actively practiced medicine for 10 years, and who otherwise meets the requirements for licensure under that section, may be licensed by endorsement without examination.

And the title is amended as follows:

In title, on page 177, line 20, after the semicolon (;) insert: providing licensure requirements for physicians who hold medical faculty certificates;

Senator Myers moved the following amendment to **Amendment 1** which was adopted:

Amendment 1C (with Title Amendment)—On page 162, between lines 5 and 6, insert:

Section 135. Paragraph (d) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.—

(2) No person shall be required to be licensed under this chapter who:

(d) Is certified in school psychology by the Department of Education and is performing psychological services ~~for as an employee of a public or private educational institution. Such exemption shall not be construed to authorize any unlicensed practice unless which is not performed for as a direct employee of an educational institution.~~

And the title is amended as follows:

In title, on page 117, line 25, insert: amending s. 490.014, F.S.; expanding exemptions to include certain school psychologists;

Senator Hargrett moved the following amendment to **Amendment 1** which was adopted:

Amendment 1D (with Title Amendment)—On page 161, between lines 29 and 30, insert:

Section 150. Subsection (1) of section 455.25, Florida Statutes, is amended to read:

455.25 Disclosure of financial interest by a physician or other health care provider ~~production~~.—

(1) A physician or other health care provider shall not refer a patient to an entity, including a pharmacy as provided in chapter 465, in which such provider is an investor unless, prior to the referral, the physician or health care provider furnishes the patient with a written disclosure form, informing the patient of:

(a) The existence of the investment interest.

(b) The name and address of each applicable entity in which the referring physician or health care provider is an investor.

(c) The patient's right to obtain the items or services for which the patient has been referred at the location or from the, physician or health care provider or supplier of the patient's choice, including the entity, including a pharmacy as provided in chapter 465, in which the referring physician or health care provider is an investor.

(d) The names and addresses of at least two alternative sources of such items or services available to the patient.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 177, line 20, after the semicolon (;) insert: amending s. 455.25, F.S.; relating to disclosure of financial interest; requiring physicians or other health care providers to disclose their financial interest in an entity, including a pharmacy as provided in chapter 465, F.S.;

Amendment 1 as amended was adopted.

On motion by Senator Dyer, by two-thirds vote **HB 2413** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

On motion by Senator Crenshaw, by unanimous consent—

HB 2299—A bill to be entitled An act relating to Clay and Duval Counties; creating the Clay County Utility Authority for the purpose of acquiring, constructing, financing, owning, managing, providing, promoting, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Clay and Duval Counties; providing for legislative intent; providing for jurisdiction, restrictions, and boundaries of the authority; providing definitions; providing for powers and duties of the authority; providing for adoption of rates, user fees, other charges, and franchise fees; providing that unpaid fees constitute a lien; providing for publication of notice of issuance of bonds; providing that bonds shall have the qualities of negotiable instruments and for the rights of holders; providing for annual reports of the authority; providing for bonds as payment for services; providing for contracts for construction of improvements and sealed bids; providing for special assessments; prohibiting free water and sewer services; providing for system development charges; providing for conveyance of property without consideration; providing for authority approval of construction of water and sewage facilities; providing for construction of law; providing for penalties and enforcement; providing for privileges, immunities, and exemptions; providing for severability clauses; providing an effective date.

—was taken up out of order. On motions by Senator Crenshaw, by two-thirds vote **HB 2299** was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

SENATOR CHILDERS PRESIDING

RECONSIDERATION

On motion by Senator Turner, the Senate reconsidered the vote by which—

CS for HB 1369—A bill to be entitled An act relating to environmental equity and justice; creating the Environmental Equity and Justice Commission; providing for the appointment of members to the commission; providing for a report; providing for the contents of the report; providing for public hearings; providing for location of public hearings; providing for access to records; providing an appropriation; providing an effective date.

—passed this day.

On motion by Senator Turner, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1369** was read the third time.

Senator Turner moved the following amendment which was adopted:

Amendment 1—On page 8, line 24, strike "\$150,000" and insert: \$100,000

On motion by Senator Turner, by two-thirds vote **CS for HB 1369** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32 Nays—None

MOTIONS

On motion by Senator Williams, by two-thirds vote **HB 1679** was withdrawn from the Committee on Education.

Senator Williams moved that **HB 1679** be taken up out of order by unanimous consent. Senator Boczar objected.

RECESS

The President declared the Senate in recess at 9:54 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 11:04 p.m. A quorum present—40:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

INTRODUCTION OF BILL

First Reading

On motion by Senator Kirkpatrick, by unanimous consent—

By Senator Thomas—

SCR 3172—A concurrent resolution extending the 1994 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the sixty days of the 1994 Regular Session of the Florida Legislature will expire on April 8, 1994, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the 1994 Regular Session of the Florida Legislature is extended until 11:59 p.m., Saturday, April 16, 1994, under the authority of Article III, Section 3(d) of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) Senate Bill 2800 and House Bill 2221, the general appropriations bills; the Senate and House Conference Committee Report thereon, and related implementing measures;

(2) Senate Bill 2802 and House Bill 2223, the appropriations implementing bills;

(3) Health care issues;

(4) CS/Senate Bill 68 and House Bill 2381, relating to juvenile justice and youthful offenders; and

(5) Everglades.

BE IT FURTHER RESOLVED that all other measures in both houses are hereby indefinitely postponed.

BE IT FURTHER RESOLVED that, upon adjournment Friday, April 8, 1994, either house may reconvene upon the call of its presiding officer.

—was introduced out of order and read by title. On motion by Senator Kirkpatrick, by two-thirds vote **SCR 3172** was read the second time in full, adopted by the required constitutional three-fifths vote and certified to the House. The vote on adoption was:

Yeas—39 Nays—None

MOTION

Senator Kirkpatrick moved that all bills, joint resolutions, concurrent resolutions, resolutions, memorials and House Messages on the Calendar be withdrawn and referred to the Committee on Rules and Calendar. The motion was adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, April 8, 1994: SB 1042, CS for HB 1305, CS for SB's 136 and 1716, CS for SB 2132, CS for SB 2532, CS for HB 1949, CS for SB 1762, CS for SB 164, CS for SB 1756, SB 1648, CS for SB 1852, CS for SB 1920, SB 2288, SB 308, CS for SB 1776, CS for SB 2498, SB 2150, SB 1498, SB 1912, SB 2494, CS for SB's 2324 and 2030, CS for SB 640, SB 2636, CS for SB 3056, CS for SB 1478, CS for CS for SB 2420, SB 406, SB 1954, CS for CS for SB 1194, CS for SB 2752, SB 408, CS for SB 150, CS for SB 2156, SB 398, CS for SB 1474, CS for SB 2038, CS for SB 2740, CS for CS for SB 1424

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Rules and Calendar submits the following Claim Bill Calendar for Friday, April 8, 1994: SB 1330, SB 22, SB 1324, CS for SB 2776, HB 585, CS for HB 1391, CS for HB 445, HB 567, HB 1057, HB 1097, CS for HB 1487, CS for HB 2195, CS for HB 2197, CS for HB 2201, CS for HB 1575, CS for SB 1774

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Rules and Calendar submits the following Local Bill Calendar for Friday, April 8, 1994: SB 2964, HB 2805, HB 819, HB 821, HB 347, HB 349, HB 411, HB 1073, HB 1075, HB 1225, HB 1663, HB 2049, HB 475, HB 1591

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Rules and Calendar submits the following additional Special Order Calendar for Friday, April 8, 1994: CS for SB 1346, CS for CS for SB 680, CS for SB 2872, CS for CS for SB 2918, CS for SB 1268, CS for SB 3060, CS for SB 2878, SB 1976, SB 2898, CS for SB 664, CS for SB 1338, CS for CS for SB 1636, SB 1800, SB 2034, CS for SB 2144, CS for SB 466, CS for SB 2264, CS for SB 2408, CS for SB 2512, CS for SB 2614, SB 1066, SB 158, CS for SB 1024, CS for SB 262, CS for SB 212, SB 376, CS for CS for SB 2440, CS for SB 2478, CS for SB 1582, CS for SB 2522, CS for SB 2540, CS for SB 2332, SB 2312, CS for SB 1074, CS for SB 1442, CS for SB 2328, CS for SB 436, CS for SB 470

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: HB 567, CS for HB 1487, CS for HB 2197, SB 1782 with 1 amendment

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: CS for HB 445, HB 1057, HB 1097, CS for HB 1541, CS for HB 1575, CS for HB 2195, CS for HB 2201

The bills were placed on the calendar.

The Committee on Commerce recommends a committee substitute for the following: SB 2060

The bill with committee substitute attached was referred to the Committee on Appropriations under the original reference.

The Committee on Commerce recommends committee substitutes for the following: SB 2366, SB 2794

The bills with committee substitutes attached were referred to the Committee on Judiciary under the original reference.

The Committee on Commerce recommends committee substitutes for the following: CS for CS for SB 2670, CS for SB 3060

The Committee on Rules and Calendar recommends a committee substitute for the following: CS for SB 1346

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Rules and Calendar; and Natural Resources and Conservation—

CS for CS for SB 1346—A bill to be entitled An act relating to wetlands; creating s. 373.4211, F.S.; ratifying Rule 17-340, Florida Administrative Code, with changes; providing a uniform methodology for delineation of the landward extent of wetlands and surface waters; directing the Department of Environmental Protection to file an amended rule to conform; amending s. 193.501(6), F.S.; revising delineation methodology to be used for definition of “qualified as environmentally endangered” lands; amending s. 373.414, F.S.; exempting certain projects from certain permit requirements; amending section 21 of ch. 92-132, Laws of Florida; continuing the Northwest Dade County Freshwater Lake Plan Implementation Committee; providing additional duties; extending the study area; directing the South Florida Water Management District and the Department of Commerce to carry out certain studies; amending s. 373.421, F.S.; providing for formal and informal determinations under the rule; providing a fee; providing procedures and requirements; creating s. 373.4142, F.S.; providing for water quality standards within certain stormwater management systems; creating s. 373.4145, F.S.; providing an interim permitting program for the Northwest Florida Water Management District; requesting the Governor to pursue regulatory delegation or a statewide programmatic general permit under section 404 of the federal Clean Water Act for certain activities; amending s. 380.061, F.S.; revising delineation methodology to be used for the Florida Quality Developments programs; amending s. 380.24, F.S.; to revise plant species list to be used in the preparation of coastal zone protection elements; amending s. 403.031, F.S.; revising the definition of waters; amending s. 403.031, F.S.; revising the methodology used in delineating waters of the state; redefining the term “state water policy” to require that it be ratified in bill form by the Legislature; repealing ss. 403.817 and 403.8171, F.S., relating to determination of the natural landward extent of waters for regulatory purposes; amending s. 373.019, F.S.; redefining the term “state water policy” to require that it be ratified in bill form by the Legislature; amending s. 373.026, F.S.; providing for ratification by the Legislature of the state water policy; amending s. 403.061, F.S.; providing for ratification by the Legislature of the state water policy; providing an effective date.

By the Committee on Commerce and Senator Williams—

CS for SB 2060—A bill to be entitled An act relating to insurance; creating s. 255.0516, F.S.; requiring a contractor's employees in certain state contracts to have access to a group health benefit plan; amending s. 287.088, F.S.; revising requirements that state contractors provide a group health benefit plan for their eligible employees; eliminating the definition of the term “subcontractor”; defining the terms “access” and “eligible employee”; redefining the term “contractor”; requiring access to a group health plan for eligible employees of state contractors and eliminating the applicability of the requirement to subcontractors; changing the effective date of the requirement; revising threshold amounts; requiring distribution of information on community health purchasing alliances under specified circumstances; revising penalties for failure to comply; revising times for contractor compliance; revising posting requirements; prohibiting the mandating of employer contributions; creating the State Contractor Health Insurance Access Task Force; providing membership

and duties; requiring a report; providing for administrative support to the task force by the Department of Management Services and the Agency for Health Care Administration; amending s. 624.075, F.S.; providing a definition; amending s. 624.426, F.S.; exempting United States Customs surety bonds from the resident agent and countersignature law; amending s. 624.501, F.S.; providing additional fees; increasing certain fees; providing fees for mediators; amending s. 626.051, F.S.; revising a definition; amending s. 626.112, F.S.; requiring agents to be appointed; amending ss. 626.141, 626.171, 626.181, 626.211, 626.221, 626.266, 626.281, 626.311, 626.511, 626.521, 626.561, 626.601, 626.611, 626.621, 626.641, 626.651, 626.727, 626.730, 626.732, 626.733, 626.877, F.S.; including customer representatives within and deleting claims investigators from application of certain provisions; amending s. 626.201, F.S.; providing for interrogatories before reinstatement; amending s. 626.2815, F.S.; reducing continuing education requirements for title agents; amending s. 626.321, F.S.; consolidating limited credit licenses; amending s. 626.331, F.S.; requiring licensure of certain agents for certain appointments; providing that an appointment fee is not refundable; amending s. 626.342, F.S.; prohibiting furnishing supplies to certain agents; amending s. 626.541, F.S.; specifying names and addresses required of certain personnel of corporations; amending s. 626.592, F.S.; revising provisions relating to designation of primary agents; amending s. 626.681, F.S.; providing for administrative fines in addition to certain actions; increasing such fines; amending s. 626.691, F.S.; authorizing the department to place certain persons on probation in addition to suspending, revoking, or refusing to renew a license or appointment; amending s. 626.739, F.S.; specifying a temporary license as general lines insurance agent; amending s. 626.741, F.S.; providing for cancellation of a nonresident agent's license; amending s. 626.837, F.S.; clarifying conditions of placing certain excess or rejected risks; amending s. 626.8418, F.S.; specifying that the bond of a title agency must be posted with the department and must inure to the benefit of damaged insurers and insureds; amending s. 626.852, F.S.; providing for applicability; amending s. 626.869, F.S.; requiring certain continuing education courses; clarifying requirements of such courses; amending s. 626.873, F.S.; providing for cancellation of nonresident adjuster's license; amending s. 626.918, F.S.; increasing surplus requirements for surplus lines agents; creating s. 626.9182, F.S.; requiring surplus lines insurers to file annual and quarterly financial reports; providing penalties; amending s. 626.919, F.S.; specifying disciplinary actions for eligible surplus lines insurers; creating s. 626.9301, F.S.; creating the Florida Surplus Lines Policy Stamping Office; providing a plan of operation; providing for a board of governors; providing powers; amending s. 626.931, F.S.; requiring quarterly reports to be filed by surplus lines agents with the stamping office; amending s. 626.932, F.S.; exempting stamping fees from the term “premium”; requiring taxes to be paid to the stamping office; holding insurers liable for surplus lines taxes in specified circumstances; creating s. 626.9325, F.S.; providing a stamping fee; providing use for the fee; specifying interest rate; providing for collection; defining the term “premium”; amending s. 626.932, F.S.; holding certain insurers liable for certain taxes under certain circumstances; amending ss. 626.927, 626.9271, 626.929, 626.935, 626.944, F.S.; requiring appointment in addition to licensure of certain persons; creating s. 626.9552, F.S.; prohibiting insurers from terminating general lines agent contracts under certain conditions; requiring notice and prohibiting new business from being written; requiring renewal of policies; providing exceptions; providing for future repeal; amending s. 627.745, F.S.; clarifying a provision related to final examination; revising administration and cost of the auto mediation program; repealing s. 626.112(6), F.S., relating to licensing of claims investigators; repealing s. 626.532, F.S., relating to insurance vending machine licenses; amending s. 626.7492, F.S.; revising provisions regulating reinsurance intermediaries; repealing s. 626.753(4), F.S., relating to revocation of licenses; repealing s. 626.857, F.S., relating to the definition of “claims investigator”; amending and renumbering s. 627.0613, F.S.; specifying powers, duties, and term of office of the insurance consumer advocate; providing for removal only for cause; providing for confirmation; authorizing temporary and permanent employment of certain professionals; providing that the office of insurance consumer advocate is a separate budget entity; providing for reports and other information for the Legislature and the public; providing for payment of expenses of the office; providing for location of the office; providing for a rule of construction; creating s. 627.41341, F.S.; prohibiting certain policies from containing exclusions based on family relationships; amending s. 627.7263, F.S.; requiring notice in rental or lease agreements for renter's or lessee's coverage to be primary; amending s. 627.728, F.S.; defining “nonpayment of premium”; amending s. 627.729, F.S.; revising the definition of the term “industrial fire insurance”; creating the “Viatical Settlement Act”; providing definitions; requiring licensure of viatical settlement providers and

brokers; providing procedures for applying for licensure; imposing a license fee; requiring the Department of Insurance to investigate applicants for licensure; providing for issuance and renewal of licenses; providing a limitation; providing for an annual statement by providers; providing fees; providing for revoking or suspending a license; providing administrative fines; providing for probation; prohibiting mention of licensure status in advertising; requiring licensed brokers to use licensed providers and licensed providers to use licensed brokers; requiring filing and approval of forms; authorizing the department to examine the business affairs of licensees and applicants; requiring licensees to disclose certain information to viators; providing procedures and specifying criteria for entering into viatical settlement contracts; requiring use of a trustee or escrow agent; authorizing the department to adopt rules to implement the act; providing that rate regulation is not authorized; specifying that violations are unfair trade practices; authorizing injunctions; providing civil cause of action; providing damages; providing court costs and attorney's fees; providing requirements for acquisition of a provider or broker; providing a grace period for certain providers and brokers; providing an appropriation; providing an effective date.

By the Committee on Commerce and Senators Forman, Williams, Grant, Silver, Jennings, Holzendorf, Gutman, Sullivan, Burt and Casas—

CS for SB 2366—A bill to be entitled An act relating to automated teller machines; creating ss. 655.960, 655.961, 655.962, 655.963, 655.964, and 655.965, F.S.; providing definitions; requiring evaluations of automated teller machines; requiring compliance with specified standards; providing for a good faith standard for evaluating automated teller machines; establishing compliance dates for operators and persons controlling certain areas; specifying standards for lighting, mirrors, and landscaping; requiring the provision of certain information to customers; providing exemptions; providing for preemption; providing an effective date.

By the Committees on Commerce and Judiciary and Senator Turner—

CS for CS for CS for SB 2670—A bill to be entitled An act relating to insurance; amending s. 627.409, F.S.; limiting the errors in an insurance application which may bar recovery under the insurance coverage; providing that certain agent errors in completing an application waive the insurer's right to deny coverage; requiring insurers to complete investigations of insureds within a certain time; requiring notice of intent to deny coverage or cancel a policy; providing limitations on a right to recover; providing an effective date.

By the Committee on Commerce and Senators Jones, Forman and Casas—

CS for SB 2794—A bill to be entitled An act relating to regulations; creating part II of chapter 448, F.S.; creating the "Labor Pool Act"; providing definitions; providing duties of a labor pool; providing rulemaking authority for Department of Labor and Employment Security; providing for the imposition of fines; providing exemption for certain farm labor contractors and certain employee leasing companies; providing an effective date.

By the Committees on Commerce and Health Care and Senator Forman—

CS for CS for SB 3060—A bill to be entitled An act relating to health care; amending s. 20.42, F.S.; requiring Senate confirmation of the Director of Health Care Administration; deleting hospital budget review from duties of the Division of Health Policy and Cost Control and Health Care Board; amending s. 216.136, F.S.; providing additional duties of the Social Services Estimating Conference with respect to estimates and forecasts for Florida Health Security; creating s. 255.0516, F.S.; requiring contractors to comply with certain statutory provisions; amending s. 287.088, F.S.; requiring certain state agency contractors, including construction contractors, to ensure employee access to group health benefit plans; creating a task force to study health insurance requirements for state contractors; amending s. 400.602, F.S.; providing for issuance of additional hospice licenses; amending s. 408.02, F.S.; providing for practice guidelines for specified medical services; amending s. 408.40, F.S.; deleting reference to budget review proceedings of the Public Counsel;

creating s. 408.7043, F.S.; providing certain limitations on the commingling of claims experience, rates, and charges for members of Florida Health Security by an accountable health partnership, a community health partnership, or a contract administrator; creating s. 408.7054, F.S.; providing for antitrust law exemptions for certain health care provider networks meeting specified criteria; amending s. 408.706, F.S.; providing additional requirements for accountable health partnerships that participate in Florida Health Security; providing that an insurer or a health maintenance organization is not required to participate in Florida Health Security or the Medicaid program; amending s. 408.902, F.S.; delaying the effective date and providing a contingency for creating the MedAccess program; creating s. 409.810, F.S.; creating the Florida Health Security Act; creating s. 409.811, F.S.; providing legislative findings and intent; creating s. 409.812, F.S.; providing definitions; creating s. 409.813, F.S.; establishing Florida Health Security, subject to approval of financing by the Federal Government; requiring the Director of the Agency for Health Care Administration to appoint a director of Florida Health Security; creating s. 409.814, F.S.; providing eligibility criteria for membership in Florida Health Security; providing application requirements for individuals; providing application requirements for employers who apply on behalf of employees; requiring the agency to verify a member's continued eligibility; providing circumstances under which a member may be disenrolled; providing penalties for a member or employer who provides erroneous information or who fails to provide certain information; providing for an open enrollment period during which coverage is offered on a guarantee-issue basis; creating s. 409.815, F.S.; providing for certain exclusions for preexisting conditions and benefits available under workers' compensation insurance; providing for coverage under Florida Health Security to be provided by accountable health partnerships or community health partnerships; providing for a county, political subdivision, or tax district to establish a community health partnership; providing for the provision of emergency services; requiring that members be offered at least one benefit plan with a premium equal to or less than a benchmark premium established by the agency; providing certain limitations on changing accountable health partnerships; providing certain limitations on membership eligibility following termination of coverage; creating s. 409.816, F.S.; providing contribution requirements for premiums; providing a benchmark premium; providing for a member's premium subsidy to be based on gross family income; limiting the annual expenditures for Florida Health Security based on the General Appropriations Act; creating s. 409.817, F.S.; providing duties of the agency in administering Florida Health Security; creating s. 409.818, F.S.; providing duties of the agency for contract operations under Florida Health Security; creating s. 409.819, F.S.; authorizing a county, political subdivision, or tax district to create a community health partnership; providing enrollment criteria; providing requirements for qualification as a community health partnership; providing duties of a community health partnership; requiring that a community health partnership have adequate sources of revenue; providing disclosure requirements; providing requirements for coverage of a newborn or adopted child; providing for certain limitations on benefits; providing for liability for certain fees; providing for application of the Florida Insurance Code to certain services provided by a community health partnership; requiring actuarial certification of a community health partnership; providing requirements for a community health partnership that terminates its participation in Florida Health Security; providing for subcontracts for health care services with accountable health partnerships; requiring the Department of Health and Rehabilitative Services to establish pilot programs; requiring a report; creating s. 409.820, F.S.; providing that members may not be enrolled in Florida Health Security until there is sufficient funding; requiring the agency to make certain reports to the Social Services Estimating Conference; requiring the Social Services Estimating Conference to establish the enrollment ceiling for Florida Health Security; amending s. 409.901, F.S.; providing definitions; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring legislative consultation and ratification for Medicaid funding formulas to be altered; providing a method for calculating reimbursement under Medicaid prepaid contracts; requiring certain consultation with and ratification by the Legislature before Medicaid recipients are enrolled in community health purchasing alliances; amending s. 409.9122, F.S.; providing for the enrollment of certain Medicaid recipients in a managed care plan or MediPass by a specified date; authorizing the Agency for Health Care Administration to establish a Medicaid mental health and substance abuse program pursuant to a federal waiver; requiring the agency to appoint an advisory panel; amending s. 409.915, F.S.; providing that services provided under Florida Health Security are not subject to certain requirements for matching funds from the counties; creating s. 627.4239, F.S.; providing for insurer

coverage of certain drugs used in cancer treatment; creating s. 627.6045, F.S.; specifying policy requirements with respect to preexisting conditions; amending s. 627.6472, F.S.; prescribing responsibilities of exclusive provider organizations with respect to outpatient treatment by providers of specified medical services; creating s. 627.6691, F.S.; providing for continuation of coverage under group health benefit plans; providing definitions; providing for notice; amending s. 627.6691, F.S.; providing applicability of the Employee Health Care Access Act with respect to plans under Florida Health Security; amending s. 641.31, F.S.; prescribing responsibilities of health maintenance organizations with respect to outpatient treatment by providers of specified medical services; providing legislative findings and intent; prohibiting Medicaid recipients from being included in coverage by community health purchasing alliances unless certain conditions are met; requiring the Agency for Health Care Administration to study the impact of transferring medically needy recipients from Medicaid to Florida Health Security and Medicaid reimbursements to prepaid health plans and to report the findings of both studies to the Legislature; repealing s. 407.61, F.S., relating to Health Care Cost Containment Board studies; repealing s. 408.072, F.S., relating to reviews of hospital budgets; repealing s. 408.08(2)-(13), F.S., relating to duties of the board with respect to hospital inspections and audits; repealing s. 408.085, F.S., relating to comprehensive inpatient rehabilitation hospitals; repealing s. 455.25(2), F.S., relating to disclosure of financial interests to patients; repealing s. 455.2555, F.S., relating to imposition of a fee schedule on providers of designated health services; providing effective dates.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 34, 50, 52, 56, CS for SB 612, CS for SB 1392 and SB 1766 which he approved on April 8, 1994.

EXECUTIVE BUSINESS

Senator Turner moved that the rules be waived and the following appointments be withdrawn from the Committee on Executive Business, Ethics and Elections and taken up *instanter*. The motion was adopted without objection.

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Directors, Enterprise Florida, Inc.	
Appointees: Lastinger, Allen L., Jr.	01/07/97
Weaver, Dorothy C.	01/07/96

On motion by Senator Turner, the Senate confirmed the appointments of Allen L. Lastinger, Jr. and Dorothy C. Weaver as members of the Board of Directors, Enterprise Florida, Inc. for the terms indicated. The vote was:

Yeas—36 Nays—None

The Honorable Pat Thomas April 8, 1994
President, The Florida Senate

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Greater Orlando Aviation Authority	
Appointees: McNulty, C. Howard	04/16/98
Pugh, James H., Jr.	04/16/98
Florida Citrus Commission	
Appointees: Burke, Martha Roe	05/31/97
Grigsby, Ronald Philip	05/31/97
State Board of Community Colleges	
Appointee: Wright, Nikkia Charese	09/30/94

Office and Appointment

	<i>For Term Ending</i>
Board of Directors, Enterprise Florida Capital Partnership	
Appointee: Tews, Hans W.	03/09/97
State Board of Independent Colleges and Universities	
Appointee: Roberts, Eugene LeBron	09/30/96
Board of Pharmacy	
Appointee: Noyes, Lucius George	10/31/97
Board of Regents	
Appointees: Cejas, Paul L.	01/01/2000
Ross, Dennis Michael	01/01/2000

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) Senate action on said appointments be taken prior to the adjournment of the 1994 Regular Session.
- (3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
William H. Turner, Chairman

On motion by Senator Turner, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—37 Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 189, CS for CS for HB 227, HB 411, CS for HB 447, HB 475, HB 1073, HB 1075, HB 1209, HB 1355, HB 1663, HB 1869, HB 2049, CS for HB 2129, CS for HB 2579, CS for HB 2665, HB 2805, HB 2811, HB 2879, HB 2881; has passed as amended CS for CS for HB 179, HB 347, HB 349, CS for HB 551, HB 635, HB 865, CS for CS for HB 1087, CS for HB 1167, HB 1225, CS for HB 1325, CS for HB 1327, CS for HB 1375, HB 1591, HB 1679, CS for CS for HB 1875, CS for HB 1999, HB 2299, HB 2365, CS for HB 2375, HB 2419, HB 2445, HB 2475, CS for HB 2501, HB 2531, HB 2589, HB 2643, HB 2799, CS for HB 2813, HB 2817, HB 2839, CS for HB 2877 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Governmental Operations and Representative Mortham and others—

CS for HB 189—A bill to be entitled An act relating to public meetings; amending s. 286.011, F.S., which requires that meetings of a board or commission of any state or local agency at which official acts are to be taken must be open to the public; requiring notice of such meetings; providing a penalty for conduct outside the state which constitutes a knowing violation of said section; amending s. 910.005, F.S.; providing state criminal jurisdiction for such conduct; creating s. 910.16, F.S.; providing venue for public meetings law violations; providing an effective date.

—was referred to the Committees on Governmental Operations; and Rules and Calendar.

By the Committees on Finance and Taxation; and Transportation; and Representative Goode and others—

CS for CS for HB 227—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.06, F.S.; providing for removal of the county name from motor vehicle license plates and the inclusion of the words "Sunshine State"; providing legislative intent; providing for the creation of a Florida Indian River Lagoon license plate; providing fees; providing for the disposition of fees; providing for deauthorization; providing for the design of the license plate; providing for the administration of the annual use fees generated by the license plate by the St. Johns River and South Florida Water Management Districts; providing restrictions; providing legislative intent with respect to use of the revenues; providing an effective date.

(Substituted for **CS for SB's 136 and 1716** on the Special Order Calendar this day.)

By Representative Arnold—

HB 411—A bill to be entitled An act relating to Lee County; amending ch. 76-411, Laws of Florida, as amended; expanding the boundaries of the San Carlos Park Fire Protection and Rescue Service District; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative De Grandy—

CS for HB 447—A bill to be entitled An act for the relief of Raul Eguaras; providing an appropriation to compensate him for severe and permanent orthopedic and neurological injuries sustained due to the negligence of the Department of Natural Resources; providing an effective date.

(Substituted for **SB 1330** on the Claim Bill Calendar this day.)

By Representative Thrasher and others—

HB 475—A bill to be entitled An act relating to Clay County; authorizing the Board of County Commissioners of Clay County to use the proceeds of the local government infrastructure surtax for the purpose of retiring or servicing bonded indebtedness incurred prior to July 1, 1987, to finance infrastructure and subsequently refunded; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sublette and others—

HB 1073—A bill to be entitled An act relating to the City of Belle Isle, Orange County; amending ch. 75-329, Laws of Florida; authorizing the city council to amend, by ordinance and without referendum, for one time only, the city charter to provide for a new general election date for municipal elections, to provide for new beginning dates for terms of office, and to provide for limited extended or shortened terms for certain incumbents to coincide with such new election date; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Sublette and others—

HB 1075—A bill to be entitled An act relating to the City of Edgewood; providing the City Council of the City with the authority, by ordinance and without referendum, to amend the City's Charter to provide for new election dates for municipal elections, and to further amend the City's Charter to provide for new beginning dates for terms of office and to provide for extended or shortened terms for incumbents to coincide with such new election dates; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lawson and others—

HB 1209—A bill to be entitled An act relating to Apalachicola Bay oyster harvesting licenses; amending s. 370.06, F.S.; redefining the term "resident" for purposes of the license; revising provisions relating to license application periods and late application fees, which provisions were scheduled for repeal on July 1, 1994; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Finance, Taxation and Claims.

By Representative Minton—

HB 1355—A bill to be entitled An act relating to the Acme Improvement District, Palm Beach County; providing for the giving of notice of the filing of a petition to amend the district's water management plans; providing for the giving of notice of the filing of the report of the commissioners for the district's water management plans; providing for alternate methods of amending plans in addition to the provisions of chapter 298, Florida Statutes; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Merchant—

HB 1663—A bill to be entitled An act relating to the Northern Palm Beach County Water Control District, Palm Beach County; providing for additional powers of the district to provide, finance, construct, operate, and maintain community or public activity, cultural, and educational centers and facilities, including equipment and apparatus required or related thereto; providing for financing, construction, operation, and maintenance of public and/or community or public preserves, playgrounds, amphitheaters, recreation, and sports areas and facilities, including equipment and apparatus required or related thereto; providing for the exclusive use by and benefit to a unit of development and its owners, residents, and invitees of district improvements; providing for appointment of an officer or employee to recommend for adoption district policies and procedures for the management and operation of the district, including delegation of enforcement and implementation of the policies and procedures; providing for adoption, by resolution, of rules and procedures for the letting of contracts, the costs of which do not exceed the Category 3 amount of s. 287.017, F.S.; deleting the requirement of landowner consent prior to inclusion of herein-identified lands within a unit of development for installation of drainage improvements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Eggelation—

HB 1869—A bill to be entitled An act relating to North Broward Hospital District; providing for the relief of Troy Brown, a minor, by and through his mother and next friend, Patricia Ware, to compensate him for a verdict rendered which is in excess of the limits of the waiver of sovereign immunity; providing for payment by North Broward Hospital District; providing an effective date.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Representative Sublette and others—

HB 2049—A bill to be entitled An act relating to the City of Winter Park; providing the City Commission of the City with the authority, by ordinance and without referendum, to amend the City's municipal charter to provide for new election dates for municipal elections, and to further amend the City's municipal charter to provide for new beginning dates for terms of office and to provide for extended or shortened terms for incumbents to coincide with such new election dates; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Corrections and Representative Crady and others—

CS for HB 2129—A bill to be entitled An act relating to law enforcement officer certification; amending s. 943.1397, F.S.; changing the waiting period before retaking an officer certification examination; providing an effective date.

—was referred to the Committees on Corrections, Probation and Parole; Governmental Operations; and Appropriations.

By the Committees on Finance and Taxation; and Community Affairs; and Representative R. Saunders and others—

CS for HB 2579—A bill to be entitled An act relating to local government; creating the Commission on Local Government II; providing for membership; providing powers and duties of the commission; requiring reports; providing for staff; providing an appropriation; providing for expiration; providing an effective date.

—was referred to the Committees on Community Affairs and Appropriations.

By the Committee on Education and Representative Bradley—

CS for HB 2665—A bill to be entitled An act relating to public school instruction; amending s. 233.061, F.S., relating to required instruction; requiring the teaching of African American history; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Representative Trammell—

HB 2805—A bill to be entitled An act relating to Liberty County; repealing chapter 65-1849, Laws of Florida, which places a \$450 limitation on the value of items which may be purchased by the county without competitive bidding; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Geller—

HB 2811—A bill to be entitled An act relating to Broward County; providing for the Sheriff of Broward County to authorize municipal officers to engage in law enforcement activities on an extrajurisdictional basis; requiring the municipal officers to follow certain procedures while engaged in such activities; providing for the delegation of responsibilities, immunities, training, and supervision on a departmental basis; providing an effective date.

(Taken up out of order and passed this day.)

By the Committee on Appropriations and Representative Long—

HB 2879—A bill to be entitled An act relating to state moneys; prescribing criteria for withdrawing moneys from the Budget Stabilization Fund; providing an effective date.

(Taken up out of order and passed this day.)

By the Committee on Appropriations and Representative Long—

HB 2881—A bill to be entitled An act relating to state moneys; amending s. 215.32, F.S.; revising the funds into which all moneys received by the state must be deposited and within which they must be accounted for; specifying the manner of dividing these moneys into these funds; specifying the use and investment of moneys in these funds; repealing ss. 212.081(4) and 420.5094, F.S., relating to legislative intent on certain moneys available in excess of general revenue needs and to the

single-family mortgage revenue bond program, and amending ss. 216.221 and 252.37, F.S., relating to the financing of deficits and disasters, to conform; amending ss. 265.51 and 265.55, F.S.; restricting authority of the Department of State to make agreements to indemnify for certain losses, and of the Comptroller to pay such claims, to specific appropriations for that purpose; providing an effective date.

(Taken up out of order and passed this day.)

By the Committees on Finance and Taxation; and Transportation; and Representative Ogles and others—

CS for CS for HB 179—A bill to be entitled An act relating to motor vehicle license plates; providing for the issuance of Florida arts license plates; providing for fees and for the deposit and use of such fees; providing for deauthorization based on sales; amending s. 320.08, F.S.; defining antique motorcycles; providing for fees; amending s. 320.0805, F.S.; providing for the use of historical Florida license plates on antique motorcycles; providing a prestige license fee for such motorcycles; amending s. 320.131, F.S.; increasing a fee charged for temporary tags; providing for distribution of new proceeds to the Impaired Drivers and Speeders Trust Fund; providing effective dates.

(Taken up out of order and passed this day.)

By Representative Arnold—

HB 347—A bill to be entitled An act relating to Lee County; amending ch. 76-408, Laws of Florida, as amended; expanding the boundaries of the Estero Fire Protection and Rescue Service District; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold—

HB 349—A bill to be entitled An act relating to the Lehigh Acres Fire Control and Rescue District, Lee County; amending ch. 63-1546, Laws of Florida, as amended; authorizing the Lehigh Acres Fire Control and Rescue District to provide ambulance and advanced life support services and to purchase, own, and dispose of ambulance and advanced life support equipment; providing for user fees; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Judiciary and Representative Feren and others—

CS for HB 551—A bill to be entitled An act relating to actions under the antitrust laws; creating the Florida False Claims Act; providing purpose of the act; providing definitions; creating a civil cause of action against persons and entities who present false claims against the state; providing for civil penalties and treble damages; providing procedures to bring or intervene in civil actions for false claims; authorizing the Department of Legal Affairs to investigate and to bring a civil action; providing for review and repeal; authorizing private citizens to bring a civil action for violations of the act; authorizing the Department of Legal Affairs or the Department of Banking and Finance to intervene in such an action; providing for rights of the parties to civil actions; providing for awards to the parties who bring civil actions; providing for reduction of treble damages awards under certain circumstances and requiring a written order; providing for an award of expenses, attorney's fees, and costs; authorizing limited stays of discovery in certain circumstances; providing exemptions from the civil cause of action; authorizing certain compromise and settlement; providing protections to participating employees; providing for agency awards and for deposit of remaining proceeds; providing for a statute of limitations for civil actions for false claims against the state; providing for construction and severability; providing for burden of proof; amending s. 16.53, F.S.; providing for deposit of moneys recovered under the act in the Legal Affairs Revolving Trust Fund or the Administrative Trust Fund of the Department of Banking and Finance; amending s. 16.53, F.S., relating to the Legal Affairs Revolving Trust Fund; revising the percentages of moneys recovered by the Attorney General, for pur-

poses of deposit into the fund; revising the amount of excess moneys for transfer to the General Revenue Fund at the end of the fiscal year; reenacting and amending ss. 337.166 and 895.09(2) and (3), F.S., relating to antitrust claims and disposition of forfeiture proceeding funds, to conform; amending s. 542.26, F.S.; imposing a 4-year limitation of actions period for the commencement of criminal and civil antitrust actions; providing an effective date.

(Substituted for **SB 2288** on the Special Order Calendar this day.)

By Representative Merchant—

HB 635—A bill to be entitled An act relating to process and service of process; amending s. 30.231, F.S.; increasing sheriffs' fees for service and providing for levy fees; revising language with respect to expenses; reenacting ss. 11.143(3)(d) and 106.26(1), F.S., relating to standing or select committees and powers of the commission, to incorporate said amendment in references thereto; amending s. 48.183, F.S.; revising provisions relating to service of process in actions for possession of premises; amending s. 48.21, F.S., relating to return of execution of process; providing reference to a return-of-service form, to conform to actual practice; amending s. 83.241, F.S.; revising language with respect to removal of a mobile home tenant; amending s. 83.56, F.S.; providing for default judgment for removal of the tenant with a writ of possession to issue immediately under specified circumstances; amending s. 83.60, F.S.; revising provisions relating to default judgment upon waiver of tenant's defenses; amending s. 83.62, F.S.; revising provisions relating to restoration of possession to landlord; amending s. 723.062, F.S.; providing for execution of writ of possession of mobile home; amending s. 56.21, F.S.; revising provisions relating to execution sales; reenacting s. 56.22, F.S., relating to execution sales, to incorporate said amendment in a reference thereto; amending s. 701.04, F.S.; providing for return of writ of execution on mortgage, lien, or judgment; amending s. 741.2902, F.S., relating to domestic violence, to authorize payment to the sheriff of certain fees; amending s. 784.046, F.S.; providing for service with respect to repeat violence at certain times; amending s. 475.483, F.S., relating to recovery from the Real Estate Recovery Fund; requiring an affidavit; repealing s. 56.24, F.S., relating to execution sales where there is no courthouse; amending s. 83.43, F.S.; defining the term "legal holiday" with respect to part II of ch. 83, F.S., the Florida Residential Landlord and Tenant Act; providing effective dates.

—was referred to the Committees on Corrections, Probation and Parole; Judiciary; and Finance, Taxation and Claims.

By Representative Starks—

HB 865—A bill to be entitled An act relating to annexation procedures; amending s. 171.0413, F.S.; prescribing procedures for involuntary annexation in certain areas; providing an effective date.

(Taken up out of order and passed this day.)

By the Committees on Finance and Taxation; and Judiciary; and Representative Logan and others—

CS for CS for HB 1087—A bill to be entitled An act relating to child support enforcement; transferring the child support enforcement program from the Department of Health and Rehabilitative Services to the Department of Revenue; providing for existing rules and pending proceedings; requiring the Department of Health and Rehabilitative Services to provide certain services to the Department of Revenue; authorizing the Department of Revenue to enter into contracts for services; providing for consideration of certain employees by firms under privatization contract; transferring the Clerk of the Court Child Support Enforcement Collection System Trust Fund and the Child Support Enforcement Application and User Fee Trust Fund to the Department of Revenue; amending s. 20.19, F.S.; abolishing the Child Support Enforcement Program Office within the Department of Health and Rehabilitative Services; amending s. 20.21, F.S.; creating a Division of Child Support Enforcement within the Department of Revenue; amending ss. 409.2554, 409.2561, and 409.2567, F.S.; designating the Department of Revenue as the state agency responsible for the administration of the child support enforcement program under Title IV-D of the Social Security Act; amending ss. 61.046 and 61.16, F.S.; redefining "department" as

the Department of Revenue for purposes of provisions relating to child support enforcement; amending ss. 88.031 and 88.171, F.S.; redefining "department" as the Department of Revenue under the Revised Uniform Reciprocal Enforcement of Support Act; amending ss. 90.502, 213.053, 287.059, and 411.222, F.S., to conform; authorizing the Department of Health and Rehabilitative Services to contract with the Department of Revenue for services prior to the transfer; granting the Department of Revenue specified budget flexibility for fiscal year 1994-1995; directing the Division of Statutory Revision to prepare a reviser's bill; providing effective dates.

(Substituted for **CS for CS for SB 1424** on the Special Order Calendar this day.)

By the Committee on Employee and Management Relations; and Representative Lippman—

CS for HB 1167—A bill to be entitled An act relating to firefighters, paramedics, emergency medical technicians, law enforcement officers, and correctional officers; providing legislative intent; creating s. 112.181, F.S.; providing definitions; providing that a disability caused by certain diseases shall be presumed to have been suffered in the line of duty in certain circumstances and if certain conditions are met; authorizing certain insurance contracts to include coverage for such disabilities; requiring records to be kept of an employee's exposure to such disease; requiring an employee to be notified of such exposure; providing for confidentiality; providing a contribution rate increase to fund the act; providing for construction; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining, Community Affairs; and Appropriations.

By Representative Kerrigan—

HB 1225—A bill to be entitled An act relating to the Ocean City-Wright Fire Control District, Okaloosa County; amending chapter 78-570, Laws of Florida, as amended; providing that the Board of Commissioners of the Fire Control District shall have the authority to levy ad valorem taxes against the taxable property in the district to provide funds for the purposes of the district in an amount not to exceed 3 mills; providing for a referendum; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By the Committee on Governmental Operations and Representative Minton and others—

CS for HB 1325—A bill to be entitled An act relating to public construction; amending s. 255.20, F.S.; requiring counties, municipalities, and other political subdivisions to competitively award construction projects exceeding \$200,000 in cost; defining "competitively award"; providing exceptions; providing requirements for award of contracts; providing applicability; authorizing counties, municipalities, and other political subdivisions to participate as bidders under specified conditions; requiring the Department of Management Services to adopt rules; providing for implementation; amending s. 255.22, F.S.; revising language with respect to the reconveyance of lands which had been conveyed to a municipality or county for a specified purpose or use; providing, for purposes of the section, that land conveyed or dedicated in connection with a land development approval shall be deemed to have been conveyed for valuable consideration; providing an effective date.

(Substituted for **CS for SB 2144** on the Special Order Calendar this day.)

By the Committee on Insurance and Representative Schultz—

CS for HB 1327—A bill to be entitled An act relating to insurer insolvency; amending s. 631.271, F.S.; revising the priority of distribution of claims from an insurer's estate; specifying applicability; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Aging and Human Services; and Representative Clemons and others—

CS for HB 1375—A bill to be entitled An act relating to public assistance fraud; creating s. 409.3251, F.S.; creating a Stop Inmate Fraud Program within the Division of Public Assistance Fraud of the Office of the Auditor General; providing guidelines for the program; providing duties and responsibilities of the division relating to procedures for sharing of specified information on incarcerated persons with the Department of Health and Rehabilitative Services, the Department of Labor and Employment Security, and other governmental entities; providing for data reports to the Child Support Program Office of the Department of Health and Rehabilitative Services and the Social Security Administration; providing reporting requirements for state agencies and other governmental entities involved in the program; providing legislative intent with respect to operation and initial goals of the program; providing for creation of employee positions and provision of support services by the division; amending s. 409.335, F.S., relating to recovery of payments; providing for recovery of overpayment of certain benefits in extreme hardship cases; authorizing the department to enforce income deduction orders; providing an appropriation; providing an effective date.

—was referred to the Committees on Governmental Operations; Corrections, Probation and Parole; and Appropriations.

By Representative Harris—

HB 1591—A bill to be entitled An act relating to Glades and Hendry Counties; creating the City of Port LaBelle charter; providing for the corporate name and purpose of the charter; establishing territorial boundaries of the municipality and authorizing annexations; providing powers of the municipality and of certain officers; providing for election of a city council, including the mayor and the vice mayor, and procedure for establishing their compensational and expense reimbursement; establishing circumstances which create vacancies in office and providing for filling vacancies and for forfeiture and recall; requiring independent financial audit; providing for council meetings, rules, recordkeeping, and voting at meetings; providing for nominations, elections, and terms of office of the mayor and council; providing for a city manager, city clerk, and city attorney and powers and duties of each; authorizing establishment of administrative departments; providing definitions; providing procedures for adoption of ordinances and resolutions, and for handling finances; establishing a fiscal year and annual budgets; providing procedures for initiative and referendum; providing for charter amendments and review; providing for severability; providing for transition, including initial election and terms, date of creation and establishment of the municipality, payment of certain revenues, and transitional comprehensive plan and land development regulations; entitling the city to state-shared and local option gas tax revenues; providing for contractual services and facilities; eliminating transition elements; providing for a referendum.

Proof of publication of the required notice was attached.

—was referred to the Committees on Community Affairs; and Rules and Calendar.

By Representative Mackey and others—

HB 1679—A bill to be entitled An act relating to education; authorizing individual school boards by resolution to allow invocation and benediction at specified secondary school-related events; providing legislative intent; providing an effective date.

—was referred to the Committee on Education.

By the Committees on Finance and Taxation; and Tourism and Economic Development; and Representative Geller and others—

CS for CS for HB 1875—A bill to be entitled An act relating to tourism, sports, and entertainment; providing for the creation and establishment of multi-jurisdictional tourism, sports and entertainment independent special districts; providing legislative findings, policy, intent, declaration and purpose; providing definitions; providing for district requirements in order to qualify for establishment; providing for the

purpose of such districts; providing for the election of the board of supervisors; providing for a district manager, treasurer and other officers; providing for the preparation of the districts' budgets and public facilities reports; providing for district elections; providing for general statements of policy to be adopted by ordinance; providing that a stockholder, officer, or employee of a landowner may be a member of the district's board of supervisors or an officer or employee of the district; providing for powers and duties; providing for a transportation system, a water supply and management system, a sewer and wastewater system, a solid waste collection system, and a mosquito and pest control program; providing for police and fire protection within the districts; providing for district governance procedures; providing for the employment of staff and consultants; providing for the acceptance of gifts; providing for the incurring of debt; providing for fees, rates, tolls, and other charges; providing for limited eminent domain authority; providing for ad valorem taxes and special assessments; providing for discretionary sales surtaxes; providing for investment authority; providing for permits and exclusive and nonexclusive franchises; providing for mandatory use of certain district facilities and services; providing for annexation and contraction of districts' boundaries; providing for the adoption of land development and environmental regulations; providing procedures and criteria for granting exclusive and nonexclusive franchises and authorizing fees for franchises; providing for bonding authority; providing for the levying, assessment and enforcement of ad valorem taxes and special assessments; providing for tax liens; providing for the foreclosure of tax liens; providing for the issuance of certificates of indebtedness and assessment bonds; providing for the payment of taxes and the redemption of tax liens; providing for an exemption from taxes; providing for contracting authority and exemptions from certain requirements; providing for the sale and lease of property; providing for liability for torts to a certain extent; providing for dissolution of the districts; providing intent with respect to tax recapture provisions; providing for district records; providing for the establishment of a district in Dade and Broward counties and the City of Miramar and its boundaries; providing definitions applicable to said district; providing for dissolution of said district; providing for powers, duties and limitations of said district; providing for payment in lieu of taxes and assessments; providing for service to out-parcels of said district; providing for future amendments; providing for liberal construction; providing for severability; providing for a regional-impact planning area and management program; providing for consideration of off-site impacts; amending s. 288.1162, F.S., relating to professional sports and spring training franchises; providing that an applicant may not qualify for certification under certain circumstances; providing an exception; amending s. 212.20, F.S.; clarifying distribution of tax proceeds; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional tax to finance the construction, reconstruction, or renovation of a facility for a new professional sports franchise; prohibiting a county that imposes such a tax from expending ad valorem tax revenues for such facility; providing an effective date.

(Substituted for CS for CS for SB 2918 on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Tobin and others—

CS for HB 1999—A bill to be entitled An act relating to information resources management; amending s. 20.055, F.S.; encouraging inclusion of electronic data processing auditors on agency internal audit staffs; amending s. 20.22, F.S.; changing the name of the Administrative Management Information Center of the Department of Management Services; amending s. 112.3145, F.S.; providing that members of the Information Technology Resource Procurement Advisory Council are specified state employees for the purpose of financial disclosure; amending ss. 119.083; correcting a cross reference; amending s. 186.021, F.S.; requiring state agency strategic plans to identify information resources management needs associated with agency programs; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider in its review of state agency strategic plans the findings of the Information Resource Commission with respect to the strategic information resources management issues; amending s. 216.0445, F.S.; requiring the Information Resource Commission to make recommendations on projects to be designated for special monitoring; amending s. 216.163, F.S.; requiring the Governor's recommended budget to include recommendations, including proviso language, designating information resource management projects for special monitoring and designation of the project monitor; amending s. 282.004,

F.S.; amending legislative intent with respect to information resources management; creating s. 282.20, F.S.; designating the Technology Resource Center of the Department of Management Services as an information system utility; assigning duties; creating a data processing policy board for the center; specifying members; amending s. 282.303, F.S.; redefining the term "information resources management"; amending s. 282.304, F.S.; providing that the executive administrator of the Information Resource Commission shall be subject to an annual performance contract by the commission; clarifying the independence of the commission; specifying duties of the executive administrator; repealing s. 282.306, F.S., relating to the executive administrator of the Information Resource Commission; amending s. 282.305, F.S.; adding to the duties of the Information Resource Commission; directing the commission to work in conjunction with the Information Resources Management Advisory Council and the Department of Management Services when agencies request assistance with specified projects; changing the date for submitting information resources management issues for inclusion in the legislative budget instructions; requiring the Information Resource Commission to prepare a list of the projects designated for special monitoring in the General Appropriations Act and submitting the list to designated recipients; requiring the Information Resource Commission to develop recommendations on streamlining data centers; correcting a cross reference; amending s. 282.3061, F.S.; requiring the State Strategic Plan for Information Resources Management to include a description of the projects designated for special monitoring; requiring the executive administrator to provide quarterly progress reports to the commission on the implementation of such plan; amending s. 282.3062, F.S.; changing the date for submission by the Board of Regents of its annual report on information resources management; amending s. 282.307, F.S.; making agency information resources management plans consistent with agency strategic plans; amending s. 282.308, F.S.; correcting terminology to conform; amending s. 282.312, F.S.; requiring agency annual performance reports to include an explanation of notable difficulties incurred during the course of an information resource management project; requiring the reports to also include an assessment of information resources management issues relating to personnel; amending s. 282.313, F.S.; authorizing data processing boards to expend funds for specified research and development projects; authorizing specified agreements; amending s. 282.314, F.S.; authorizing the Information Resources Management Advisory Council to provide assistance to state agencies upon request; requiring the council to advise the Department of Management Services; amending s. 282.318, F.S.; relating to security of data and information technology resources; requiring agencies to note the percentage of critical applications that have contingency plans; creating s. 282.322, F.S.; creating a special monitoring process for designated information resources management projects; providing for contracting for project monitors; providing for reports; amending s. 287.073, F.S.; requiring the Information Technology Resource Procurement Advisory Council to review certain additional contracts; requiring major changes to projects subject to the council's review to be considered by the council and other original approval authorities; providing a definition; requiring council review of certain project contracts and contract dissolutions before their execution; prescribing duties of the council relating to contract review and inclusion of specified provisions; modifying the membership of the council, requiring council action to be a majority of those present; amending ss. 6 and 8, ch. 93-278, L.O.F., extending the date for the Department of Management Services to develop criteria for delegating varying levels of purchasing authority to agencies; extending the date for the Department of Management Services to develop model contracts for information technology resources acquisitions; specifying certain requirements for the model contracts; requiring the Department of Management Services to develop model procurement documents for information technology resources; requiring a report by the Department of Management Services; requiring the Department of Management Services to establish a negotiating team for information technology resources; requiring the Information Resource Commission to contract for a baseline assessment of all state data centers; specifying contract requirements; providing for an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By Representative Thrasher and others—

HB 2299—A bill to be entitled An act relating to Clay and Duval Counties; creating the Clay County Utility Authority for the purpose of acquiring, constructing, financing, owning, managing, providing, promot-

ing, improving, expanding, maintaining, operating, regulating, franchising, and otherwise having plenary authority with respect to certain utility systems within the territorial limits of Clay and Duval Counties; providing for legislative intent; providing for jurisdiction, restrictions, and boundaries of the authority; providing definitions; providing for powers and duties of the authority; providing for adoption of rates, user fees, other charges, and franchise fees; providing that unpaid fees constitute a lien; providing for publication of notice of issuance of bonds; providing that bonds shall have the qualities of negotiable instruments and for the rights of holders; providing for annual reports of the authority; providing for bonds as payment for services; providing for contracts for construction of improvements and sealed bids; providing for special assessments; prohibiting free water and sewer services; providing for system development charges; providing for conveyance of property without consideration; providing for authority approval of construction of water and sewage facilities; providing for construction of law; providing for penalties and enforcement; providing for privileges, immunities, and exemptions; providing for severability clauses; providing an effective date.

(Taken up out of order and passed this day.)

By the Committee on Agriculture and Consumer Services; and Representative Harris—

HB 2365—A bill to be entitled An act relating to the regulation of products for human consumption; amending s. 372.0225, F.S., relating to freshwater organisms; revising a reference to the Florida Food Act to conform the reference to a change in title made by this act; amending s. 500.01, F.S.; changing the name of the Florida Food Act to the "Florida Food Safety Act"; amending s. 500.03, F.S.; revising the definitions of terms used in that act; amending s. 500.032, F.S.; revising the duties of the Department of Agriculture and Consumer Services relating to that act; amending s. 500.04, F.S.; revising a prohibited act; amending s. 500.09, F.S.; revising requirements relating to rulemaking by the department; providing for analytical work by the department; amending s. 500.10, F.S., relating to adulterated foods; revising references to federal law; revising a reference to the former Department of Business Regulation; amending s. 500.11, F.S.; providing additional food labeling requirements; amending s. 500.12, F.S.; providing a late fee for applications to renew food permits; exempting certain minor food outlets and certain food establishments; establishing procedures for dissemination of sanitation requirements and authorizing a fee and the use of such fees for review of construction or remodeling plans for food establishments, food outlets, or food service establishments; updating references to the former Department of Business Regulation; providing that certain entities are not liable for failure to provide specific information; amending s. 500.121, F.S.; providing that authorized fines may be imposed for each violation of that act; providing that the Department of Agriculture and Consumer Services has the burden of proving violations; repealing s. 500.146, F.S., which provides for rulemaking and analytical work by the department; repealing s. 500.1465, F.S., which provides for inspections by the department of permitted establishments; amending s. 500.147, F.S.; revising inspection provisions; amending s. 500.148, F.S.; revising requirements for reports and dissemination of information by the department; amending s. 500.165, F.S., relating to transporting shipments of food; deleting the criminal penalty for a violation of a rule; amending s. 500.166, F.S.; revising the provision relating to records of interstate shipment; creating s. 500.169, F.S.; authorizing certain departmental enforcement powers; amending s. 500.172, F.S., relating to the embargoing and detaining of food; revising certain departmental duties; amending s. 500.174, F.S., relating to seizure of food; providing departmental duties; revising the penalties for selling certain candy in violation of s. 500.10, F.S.; amending s. 500.177, F.S.; revising the penalty provisions for committing prohibited acts; amending s. 500.178, F.S.; revising the duties of the prosecuting attorney with respect to violations of the chapter; amending s. 500.301, F.S.; revising the definitions for the standards of enrichment for grain products; amending s. 500.302, F.S.; revising the prohibition against selling at retail any grain product not in conformity with the state standard; amending s. 500.303, F.S.; revising the provisions for rulemaking relating to grain standards; amending s. 500.304, F.S.; revising the provisions for enforcement; amending s. 500.305, F.S.; revising the applicability of ch. 500, F.S., pertaining to investigations and inspections; amending s. 500.306, F.S.; revising the applicability of ch. 500, F.S., pertaining to violations of grain product enrichment laws; amending s. 500.451, F.S.; revising provisions regulating the sale of horse meat for human consumption; creating s. 500.453, F.S.; providing definitions for the purposes of ss.

500.453-500.511, F.S.; amending s. 500.455, F.S.; clarifying the provisions for operating standards and labeling requirements with respect to bottled waters; amending s. 500.457, F.S.; revising provisions providing for regulation of bottled water plants, water dealers, and water transportation vehicles or vessels; amending s. 500.459, F.S.; revising provisions providing for regulation of water vending machines and operators; amending s. 500.509, F.S.; revising provisions providing for regulation of packaged ice plants, dealers, and transportation vehicles; limiting the fee required for a package ice plant operating permit or a packaged ice dealer permit; creating s. 500.511, F.S.; providing for the deposit and use of fees collected under ss. 500.453-500.511, F.S., for departmental enforcement of those sections, and for preemption of regulation by the state with respect to matters regulated under those sections; amending s. 500.601, F.S., relating to sale at retail of meat; revising such provisions; amending s. 504.34, F.S., relating to organic food; conforming the section to the renaming of the Florida Food Act by this act; amending s. 509.013, F.S.; revising the definition of the term "public food service establishment"; amending ss. 583.01, 583.05, F.S., relating to the sale of eggs and poultry; conforming those sections to the renaming of the Florida Food Act by this act; amending s. 585.70, F.S.; revising and providing definitions relating to animal and animal product inspection and labeling; amending s. 585.715, F.S.; authorizing the Department of Agriculture and Consumer Services to adopt certain rules related thereto; authorizing the department to request the state to bring an appropriate civil or criminal action for enforcement purposes; amending s. 585.74, F.S.; providing requirements, fees, and applications pertaining to grants of inspection; amending ss. 585.78, 585.79, F.S.; revising provisions relating to applicability and labeling; amending s. 585.83, F.S.; providing requirements relating to inspection service; providing for reimbursement for overtime or holiday inspection service; amending s. 585.84, F.S.; providing for temporary suspension of inspection; amending ss. 585.89, 585.90, 585.902, 585.903, F.S.; conforming provisions pertaining to animal products; amending s. 585.91, F.S.; revising provisions regulating custom animal slaughters and animal product processors; providing for fees and applications; creating s. 585.93, F.S.; providing for requests for inspection of nontraditional livestock and specifying requirements for slaughtering, marking, and labeling such animals; creating s. 585.96, F.S.; providing penalties and injunctive relief for violations of ss. 585.70-585.96, F.S.; creating s. 205.1951, F.S.; providing prerequisite for issuance of an occupational license by a municipality or county to a custom animal slaughtering or animal product processing establishment; providing an effective date.

(Substituted for CS for SB 2332 on the Special Order Calendar this day.)

By the Committees on Appropriations and Health Care and Representative Graber and others—

CS for HB 2375—A bill to be entitled An act relating to communicable disease control; amending s. 232.032, F.S.; requiring a review and report concerning the incidence of tuberculosis in school-aged children; requiring children in nonpublic preschools to present proof of immunization; providing for permanent and temporary medical exemptions; providing for the electronic transfer of immunization certification; correcting inaccurate references to county public health units and the State Health Officer; amending s. 392.51, F.S.; providing legislative findings with respect to the control of tuberculosis in the state; amending s. 392.52, F.S.; providing definitions; amending s. 392.53, F.S.; revising reporting requirements for persons who diagnose or treat tuberculosis patients; amending s. 392.54, F.S.; providing requirements with respect to the department's investigation of the source and spread of tuberculosis; requiring that treatment for tuberculosis be treatment to cure; amending s. 392.55, F.S.; revising requirements for examinations and treatment; authorizing the use of directly observed therapy; providing for an expedited hearing on a warrant for a person to be apprehended or examined; authorizing a waiver of the court appearance at such hearing; authorizing that such appearance may be made by television monitor; amending s. 392.56, F.S.; providing for hospitalization or residential isolation for a person who has active tuberculosis; providing for an expedited hearing on an order that a person be hospitalized or isolated; authorizing a waiver of the court appearance at such hearing; authorizing that such appearance may be made by television monitor; requiring a hearing on the necessity for continued hospitalization or treatment; requiring the department to notify certain facilities of a court order to hospitalize a person who has active tuberculosis; creating s. 392.565, F.S.; authorizing a physician to request that the State Health Officer order a patient to be held pending

a hearing for involuntary examination or treatment; amending s. 392.57, F.S.; authorizing the department to request, and a court to issue, an emergency hold order for a person who has active tuberculosis; amending s. 392.59, F.S.; requiring the department to develop and furnish additional forms to the court; amending s. 392.60, F.S.; revising circumstances under which a person may appeal an order of involuntary examination or hospitalization or an order of emergency hold; amending s. 392.61, F.S.; requiring the department to develop treatment plans for persons who have active tuberculosis as part of the department's community tuberculosis control program; requiring the department to develop a methodology for distributing funds appropriated for tuberculosis control; amending ss. 392.62 and 392.63, F.S., relating to hospitalization and placement programs and temporary leave; conforming provisions to changes made by the act; amending s. 392.64, F.S.; providing additional requirements for the department in developing treatment plans for persons who have active tuberculosis; creating s. 392.655, F.S.; authorizing the department and its agents to enter certain detention facilities for purposes of interviewing, examining, and treating any prisoner for tuberculosis; requiring detention facilities to cooperate with the department and provide space for examination and treatment; amending s. 392.67, F.S.; providing additional penalties; providing requirements for the department in determining certain fines; providing an effective date.

(Substituted for SB 308 on the Special Order Calendar this day.)

By the Committee on Higher Education and Representative Peeples—

HB 2419—A bill to be entitled An act relating to postsecondary education; providing a name for the tenth university; providing for transfer to Edison Community College of title to certain property and buildings of the University of South Florida; providing for lease of facilities; requiring recommendation for compensation; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Natural Resources and Representative Rudd and others—

HB 2445—A bill to be entitled An act relating to environmental protection; amending s. 20.255, F.S.; providing for two deputy secretaries of the Department of Environmental Protection; authorizing the assignment of responsibilities; providing for special offices and managers thereof; exempting the managers from pt. II of ch. 110, F.S.; providing for an executive coordinator for ecosystems management; authorizing assistant and deputy division directors; prohibiting creation of deputy secretaries or senior management positions, except as specified; providing for six administrative districts; deleting provisions for two assistant secretaries of the department; requiring the director of the Division of State Lands to be confirmed by the Board of Trustees of the Internal Improvement Trust Fund; specifying the divisions of the department; repealing section 10 of chapter 93-213, Laws of Florida; repealing s. 370.02, F.S., relating to powers and duties of the Department of Natural Resources; repealing subsection (7) of section 3 of chapter 93-213, Laws of Florida, abrogating the repeal of s. 20.2655(5), F.S., which grants specified review authority to the Governor and Cabinet; amending ss. 229.8058, 253.022, 282.403, 373.1965, 380.061, 380.31, 388.46, and 403.7165, F.S.; providing for Department of Environmental Protection membership on certain councils and committees; amending s. 487.0615, F.S.; revising membership of the Pesticide Review Council; amending ss. 125.563, 159.705, 161.021, 161.031, 161.041, 161.042, 161.052, 161.053, 161.061, 161.071, 161.082, 161.101, 161.111, 161.141, 161.161, 161.33, 161.35, 161.36, 161.54, 163.3184, 177.27, 177.29, 177.502, 177.503, 186.021, 186.504, 186.801, 193.015, 193.501, 193.621, 201.022, 201.15, 206.9935, 211.31, 211.32, 212.055, 212.08, 212.69, 213.053, 215.3208, 216.0165, 220.184, 229.8064, 240.155, 240.5161, 240.5325, 240.5326, 252.87, 253.02, 253.023, 253.025, 253.03, 253.0325, 253.037, 253.04, 253.05, 253.12, 253.1241, 253.126, 253.45, 253.67, 253.74, 253.75, 253.77, 253.781, 253.782, 253.7821, 253.7823, 253.7825, 253.7826, 253.7829, 253.783, 253.784, 255.259, 255.565, 258.004, 258.015, 258.024, 258.09, 258.10, 258.15, 258.155, 258.397, 258.42, 258.43, 258.501, 259.035, 259.045, 259.101, 260.012, 260.013, 260.0161, 267.061, 270.22, 272.18, 282.1095, 282.402, 287.045, 287.0595, 288.021, 288.063, 288.1185, 288.811, 298.07, 298.11, 298.12, 298.15, 298.16, 298.22, 298.26, 298.33, 298.34, 298.467, 298.55, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; conforming provisions to

reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director; conforming provisions to changes made by the act; amending ss. 298.70, 298.71, 298.72, 298.73, F.S.; conforming to the transfer of duties and responsibilities from the Department of Natural Resources to the Department of Environmental Protection provisions relating to the authority to borrow money and issue notes; amending ss. 309.01, 316.272, 316.293, 316.2935, 316.640, 320.03, 320.08065, 320.08066, 325.202, 325.203, 325.206, 325.207, 325.209, 325.212, 325.213, 325.217, 325.218, 325.223, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 327.02, 327.03, 327.04, 327.12, 327.26, 327.28, 327.41, 328.01, 328.15, 328.20, F.S.; conforming provisions transferring to the Department of Environmental Protection from the Department of Natural Resources duties and responsibilities relating to vessel registration and titling laws; amending ss. 334.065, 335.065, 337.108, 337.242, 337.27, 338.221, 338.223, 338.250, 341.3332, 341.336, 341.342, 341.343, 341.348, 341.352, 341.405, 341.407, 341.408, 348.0008, 348.759, 348.957, 366.825, 367.031, 367.081, 367.111, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 369.105, 369.20, 369.22, 369.25, 369.251, 369.307, 370.01, 370.013, 370.015, 370.02, 370.0205, 370.021, 370.023, 370.025, 370.026, 370.027, 370.03, 370.031, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 370.032, 370.033, 370.034, 370.037, 370.038, 370.06, 370.0605, 370.0607, 370.0608, 370.0609, 370.0615, 370.062, 370.063, 370.07, 370.071, 370.08, 370.081, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; repealing s. 370.082, F.S., relating to the regulation of the use of gill nets, wing nets, and similar devices; deleting obsolete provisions; amending ss. 370.0821, 370.103, 370.11, 370.1107, 370.12, 370.13, 370.14, 370.142, 370.143, 370.153, 370.1535, 370.157, 370.16, 370.1603, 370.172, 370.18, 370.19, 370.20, 370.21, 370.25, 372.071, 372.072, 372.0725, 372.57, 372.701, 372.7701, 372.771, 372.992, 373.016, 373.019, 373.026, 373.046, 373.079, 373.086, 373.171, 373.196, 373.1962, 373.1965, 373.197, 374.977, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 373.203, 373.206, 373.207, 373.209, 373.217, 373.2295, 373.303, 373.406, 373.423, 373.439, 373.453, 373.455, 373.4592, 373.4595, 373.498, 373.536, 373.59, 373.603, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing ss. 374.001, 374.3001, F.S., relating to transfer of the canal authority and assets of the Cross Florida Canal Navigation District to the Department of Natural Resources; amending ss. 375.021, 375.031, 375.041, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 375.045, 375.065, 375.075, 376.021, 376.031, 376.051, 376.0705, 376.10, 376.12, 376.121, 376.163, 376.30, 376.301, 376.303, 376.304, 376.307, 376.3071, 376.3072, 376.3077, 376.321, 376.40, 376.60, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 377.07, 377.075, 377.19, 377.22, 377.2408, 377.2425, 377.28, 377.703, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 378.032, 378.033, 378.034, 378.036, 378.203, 378.205, 378.206, 378.208, 378.212, 378.403, 378.404, 378.405, 378.406, 378.407, 378.408, 378.409, 378.411, 378.501, 378.502, 378.503, 378.601, 378.701, 378.703, 378.801, 378.803, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director of the former Department of Natural Resources; amending ss. 380.05, 380.051, 380.055, 380.0555, 380.0558, 380.06, 380.061, 380.0651, 380.0655, 380.33, 380.504, 381.006, 381.0065, 381.0098, 388.45, 403.031, 403.061, 403.0615, 403.0625, 403.081, 403.085, 403.086, 403.0871, 403.0873, 403.0876, 403.088, 403.0885, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing s. 403.0891(4), F.S., relating to an inventory of storm-water management systems by the Department of Transportation; deleting obsolete provisions; amending ss. 403.092, 403.135, 403.141, 403.182, 403.1822, 403.1823, 403.1834, 403.1835, 403.1838, 403.281, 403.413, 403.4131, 403.4135, 403.415, 403.4154, 403.503, 403.504, 403.507, 403.508, 403.518, 403.522, 403.523, 403.526, 403.527, 403.5271, 403.5365, 403.703, 403.705, 403.7061, 403.707, 403.708, 403.7084, 403.709, 403.714, 403.716, 403.717, 403.7186, 403.7195, 403.7197, 403.7199, 403.722, 403.7222, 403.7226, 403.725, 403.7255, 403.7264, 403.727, 403.74, 403.75, 403.7721, 403.783, 403.7841, 403.786, 403.787, 403.803, 403.8051, 403.8163, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; revising the use of waste tire fee moneys allocated to the Solid Waste Management Trust Fund; deleting obsolete provisions; amending ss. 403.851, 403.852, 403.862, 403.8635, 403.9311, 403.935, 403.9403, 403.9404, 403.941, 403.9411, 403.9412, 403.951, 403.952, 403.955, 403.957, 403.958, 403.959, 403.961, 403.962, 403.963, 403.964, 403.966, 403.967, 403.968, 403.969, 403.971, 403.972, 404.031, 404.0614, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 418.12, 420.608, 470.025, 489.133, 492.103, 501.122, 526.01, 553.79, 570.07, 581.083, 581.145, 581.186, 589.26, 597.003, 597.006, 617.0122, 705.101, 705.103, 784.07, 823.11, 832.06, 843.08, 860.20, 870.04, 895.09, 932.7055, 943.1728, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending s. 370.021, F.S.; providing for penalties related to gear restrictions in certain East Coast counties; providing for enforcement; amending s. 380.0651, F.S.; removing certain authority of the Department of Environmental Protection with respect to development-of-regional-impact review; repealing s. 377.075(6), F.S.; deleting obsolete language related to the state chemist's duties; authorizing the transfer of certain full-time equivalent positions from the Division of Recreation and Parks to the Division of Law Enforcement; specifying powers; providing for future repeal of s. 258.024, F.S., relating to police powers of state park law enforcement officers; providing effective dates.

(Substituted for CS for CS for SB 680 on the Special Order Calendar this day.)

By the Committee on Governmental Operations and Representative Boyd—

By the Committee on Governmental Operations and Representative Boyd—

HB 2475—A bill to be entitled An act relating to government-owned property; amending s. 274.05, F.S.; authorizing local governments to offer surplus property to private nonprofit agencies; amending s. 274.06, F.S., which provides an alternative procedure for disposal of surplus property by local governments; revising the value of property with respect to which notice must be published prior to disposal; amending s. 388.323, F.S., relating to disposal of surplus property by mosquito control districts, to conform; amending s. 273.01, F.S.; defining "private nonprofit agency"; amending s. 273.03, F.S.; providing that the custodian of state-owned property is responsible for disposition of property in his custody; amending s. 273.04, F.S.; removing a requirement that property to be used as a trade-in first be offered to the Bureau of Surplus Property; removing restrictions on the sale of certain property; amending s. 273.05, F.S.; removing a requirement that surplus property be certified to the bureau; providing for appointment of review boards regarding surplus property; providing duties of custodians regarding surplus property; amending s. 273.055, F.S.; removing authority of the bureau regarding surplus property and providing duties of the custodian; providing for disposal of surplus property; providing for disposition of moneys; eliminating the State Surplus Property Working Capital Trust Fund; amending s. 240.225, F.S., to conform; amending s. 217.02, F.S.; revising the definition of "surplus property"; amending ss. 20.22 and 217.045, F.S.; renaming the Bureau of Surplus Property as the Bureau of Federal Property Assistance; providing an effective date.

—was referred to the Committees on Governmental Operations and Appropriations.

By the Committees on Appropriations; and Aging and Human Services; and Representative Glickman and others—

CS for HB 2501—A bill to be entitled An act relating to child abuse and neglect; amending s. 415.503, F.S.; defining “false report” and redefining “harm”; amending s. 415.504, F.S.; providing for report and investigation of child-on-child sexual abuse; requiring certain notice to the subject of an investigation of child abuse or neglect, regarding obligation to pay child support and fees; clarifying responsibility of a professional providing treatment or counseling pursuant to reported child abuse or neglect; authorizing parents of a child believed to have been abused, neglected, or abandoned to make certain recordings; providing an exemption from provisions relating to interception of communications; directing the Department of Health and Rehabilitative Services to develop a report on child-on-child sexual abuse; amending s. 415.512, F.S.; clarifying provisions relating to abrogation of privileged communication; creating s. 415.5131, F.S.; providing an administrative fine for false report; providing for notice and hearing; amending s. 415.515, F.S.; authorizing family preservation services to adoptive families, under the Family Builders Program; amending ss. 415.50165, 415.505, 415.5087, and 415.511, F.S.; correcting cross references; amending s. 934.03, F.S.; authorizing parents under investigation for child abuse, neglect, or abandonment to intercept certain oral communications; providing for training for staff of the central abuse registry and tracking system; providing for a report on anonymous calls to the system; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Judiciary; and Appropriations.

By the Committee on Judiciary and Representative De Grandy—

HB 2531—A bill to be entitled An act relating to beneficiaries of trusts; amending s. 733.607, F.S.; authorizing a personal representative to seek payment from a trustee of a trust under certain circumstances; amending s. 733.6171, F.S.; authorizing a personal representative to retain and compensate an attorney under certain circumstances; amending s. 737.303, F.S.; revising provisions relating to a trustee's duty to inform and account to beneficiaries; providing a definition; providing for a waiver; providing for preserving certain rights; creating s. 737.3058, F.S.; providing for a trustee's duty to pay expenses and obligations of a settlor's estate; creating s. 737.3059, F.S.; providing for a trustee's duty to notify creditors; amending s. 737.402, F.S.; clarifying powers of trustees; authorizing trustees to sever a trust instrument under certain circumstances; amending s. 737.403, F.S.; authorizing a court to permit trustees to consolidate or sever trust provisions; providing criteria; providing for revising the compensation of a personal representative under certain circumstances; repealing s. 733.706(2), F.S., relating to authorization of a personal representative to seek payments from trustees of certain trusts; repealing s. 737.3056, F.S., relating to a trustee's duty to pay expenses and obligations of a settlor's estate; repealing s. 737.3057, F.S., relating to a trustee's duty to notify creditors; revising provisions in part VIII of ch. 744, the Veterans' Guardianship Law; amending s. 744.618, F.S.; providing for the court to give priority to the recommendation of the United States Department of Veterans Affairs in appointing a veteran's guardian; amending s. 744.634, F.S.; eliminating an exception relating to certification with respect to guardianship accounts; amending s. 744.639, F.S.; revising provisions relating to attorney's fees; amending s. 744.641, F.S.; revising guidelines relating to guardian's compensation; providing effective dates.

—was referred to the Committees on Judiciary and Commerce.

By the Committee on Tourism and Economic Development; and Representative Reddick and others—

HB 2589—A bill to be entitled An act relating to defense conversion and transition; amending s. 288.03, F.S.; requiring the Division of Economic Development of the Department of Commerce to provide assistance to local governments or certain community base reuse commissions for certain purposes; creating s. 288.971, F.S.; providing legislative findings; creating s. 288.972, F.S.; providing legislative intent; creating s. 288.973, F.S.; creating the Florida Defense Conversion and Transition Commission; providing for membership; providing for meetings of the commission; providing for staff support; providing for travel and per

diem expenses; providing for future repeal; creating s. 288.974, F.S.; providing for powers and duties of the commission; requiring the commission to develop a state plan of action for certain purposes; requiring an annual report; providing for future repeal; creating s. 288.975, F.S.; providing for military base reuse planning; providing definitions; providing for components of the military base reuse plan; providing requirements for use and adoption of a military base reuse plan; providing for plan time limits; providing for dispute resolution by the Administration Commission; creating s. 288.976, F.S.; providing powers and duties for certain state agencies and departments; creating s. 288.977, F.S.; providing for disposition of military base property; creating s. 288.980, F.S.; providing for the creation of a grant program to assist communities with military installations that would be adversely affected by base realignment or closure actions; providing definitions; providing eligibility requirements; amending s. 403.953, F.S.; providing for eligibility under the Jobs Siting Act for certain projects located on closed military installations; providing an effective date.

(Substituted for **CS for SB 2372** on the Special Order Calendar this day.)

By the Committee on Commerce and Representative Clemons and others—

HB 2643—A bill to be entitled An act relating to public records and proceedings; providing for exempting certain proceedings and documents connected to such proceedings from ss. 119.07(1) and 286.011, F.S., and s. 24(a) and (b), Art. I of the State Constitution; providing for future review; providing legislative findings of public necessity; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By the Committee on Aging and Human Services; and Representative Gordon—

HB 2799—A bill to be entitled An act relating to rehabilitation of persons having disabilities; amending s. 316.193, F.S., relating to driving under the influence; conforming a reference to the Impaired Drivers and Speeders Trust Fund as renamed in this act; amending s. 318.21, F.S., relating to disposition of civil penalties by county courts; conforming a reference to that trust fund; amending s. 395.404, F.S., relating to trauma registry; deleting a cross-reference to a section repealed by this act; amending s. 413.20, F.S.; revising and adding definitions; providing applicability to the part; amending s. 413.205, F.S.; revising provisions relating to collateral payments; creating s. 413.215, F.S.; providing for status in workers' compensation proceedings; amending s. 413.22, F.S.; providing for Division of Vocational Rehabilitation rules; amending s. 413.23, F.S.; revising terminology; providing authorization to prepare a state plan; amending s. 413.24, F.S.; revising provisions relating to cooperation with the Federal Government; amending ss. 413.26 and 413.27, F.S.; revising provisions relating to cooperative agreements; creating s. 413.273, F.S.; providing benefits and requirements for members of certain councils; amending s. 413.275, F.S.; revising and renaming the Florida Council for the Hearing Impaired; amending s. 413.28, F.S.; revising provisions relating to federal funds; amending s. 413.29, F.S., relating to gifts; amending s. 413.30, F.S.; revising eligibility for vocational rehabilitation services; amending s. 413.31, F.S.; revising terminology; amending s. 413.32, F.S.; providing for rules relating to title to and disposal of equipment; amending s. 413.341, F.S.; revising provisions relating to confidential records; amending s. 413.36, F.S.; revising terminology; amending s. 413.371, F.S.; authorizing contracts for independent living program services; creating s. 413.393, F.S.; providing for a state plan for independent living; amending s. 413.395, F.S.; revising provisions relating to the Florida Independent Living Advisory Council and renaming the council; providing duties; amending s. 413.40, F.S.; revising provisions relating to division powers for independent living services; amending s. 413.401, F.S.; revising eligibility for independent living services; amending s. 413.405, F.S.; revising provisions relating to the rehabilitation advisory council; creating s. 413.407, F.S.; creating the Assistive Technology Advisory Council; prescribing its duties; amending ss. 413.41 and 413.42, F.S., relating to cooperation with state and federal agencies; amending s. 413.43, F.S., relating to utilization of funds; amending s. 413.46, F.S.; revising legislative intent relating to referral of certain persons; creating s. 413.465, F.S.; providing a short title; amending s. 413.48, F.S.; revising provisions relating to a

central registry; amending s. 413.49, F.S.; providing Division of Vocational Rehabilitation duties relating to a treatment program for persons with brain or spinal cord injuries; creating s. 413.507, F.S.; providing eligibility; amending s. 413.604, F.S., relating to nursing home residents; amending s. 413.605, F.S.; revising provisions relating to the advisory council on spinal cord injuries; expanding the scope of its duties to include brain injuries; amending s. 413.613, F.S.; renaming a trust fund and conforming provisions; requiring matching funds; amending ss. 413.615, 413.70, 413.72, 413.73, and 413.74, F.S.; conforming provisions to this act; amending s. 413.731, F.S.; providing that the division is the payor of last resort; amending ss. 427.706 and 427.708, F.S.; revising a reference to the Florida Council for the Hearing Impaired; repealing ss. 413.25, 413.35, 413.381, 413.47, 413.601, 413.602, 413.603, 413.611, 413.612, 413.614, and 413.71, F.S., relating to a repealed federal act, limitation on political activity, definitions, legislative intent, establishment of a plan for certain treatment, reports of head-injured persons, and transitional living facilities; providing an effective date.

(Taken up out of order and passed this day.)

By the Committees on Finance and Taxation; and Regulated Industries; and Representative Kelly—

CS for HB 2813—A bill to be entitled An act relating to taxation on live jai alai games; amending s. 550.0951, F.S.; providing for a reduction in the daily license fee for jai alai; amending s. 550.09511, F.S.; reducing the tax on handle per performance for live jai alai; deleting a current provision on certain tax on handle for jai alai; creating s. 550.2704, F.S.; providing for a Jai Alai Tournament of Champions Meet; providing for a different tax rate and daily license fee under certain circumstances; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Natural Resources and Representative Rudd—

HB 2817—A bill to be entitled An act relating to drycleaning contamination cleanup; amending s. 287.0595, F.S.; correcting references; amending s. 376.30, F.S.; providing legislative intent with respect to certain restoration or replacement of potable waters; amending s. 376.301, F.S.; providing definitions relating to drycleaning facilities, wholesale suppliers, and solvents; amending s. 376.302, F.S., relating to prohibitions and penalties; amending s. 376.303, F.S.; directing the Department of Environmental Protection to establish a registration program for drycleaning facilities and wholesale suppliers; directing the department to provide registration information to the Department of Revenue; specifying annual registration fees; creating s. 376.3078, F.S.; providing for deposit of specified funds into the Water Quality Assurance Trust Fund to be used for drycleaning facility or wholesale supply site restoration; providing legislative findings; providing sources of funds; specifying use of funds, to include investigation, rehabilitation, and monitoring of sites contaminated with drycleaning solvents; providing liability for rehabilitation, under specified circumstances; providing exemptions; authorizing the department to enter into certain contracts; providing for prioritization of sites and rehabilitation criteria; providing for funding; directing the department to pursue recovery or reimbursement of rehabilitation expenditures; creating s. 376.3079, F.S.; providing for third-party liability insurance coverage for certain owners of drycleaning facilities and wholesale suppliers; providing for eligibility; amending s. 376.308, F.S.; conforming provisions relating to liabilities and defenses of facilities; amending s. 376.311, F.S.; conforming penalty provisions; amending s. 376.313, F.S.; conforming provisions relating to nonexclusiveness of remedies and individual cause of action for damages; specifying conditions for certain civil actions against an owner or operator of a drycleaning facility or wholesale supplier; creating s. 376.70, F.S.; providing an annual tax on the gross receipts of drycleaning facilities; creating s. 376.75, F.S.; providing a tax on the production or importation of perchloroethylene; requiring registration; providing penalties; providing for deposit and use of funds; providing for administration, collection, and enforcement of taxes by the Department of Revenue; providing for emergency rules; amending s. 403.725, F.S., providing for deposit of taxes and fees into the Hazardous Waste Management Trust Fund; providing appropriations and authorizing positions; providing an effective date.

(Substituted for CS for SB 2498 on the Special Order Calendar this day.)

By the Committee on Community Affairs and Representative Goode and others—

HB 2839—A bill to be entitled An act relating to the Florida Communities Trust program; amending s. 259.101, F.S.; revising legislative findings concerning the trust; revising requirements relating to distributions from the Preservation 2000 Trust Fund; amending s. 380.502, F.S.; revising legislative findings and intent with respect to the trust; providing additional intent; amending s. 380.503, F.S.; revising and deleting definitions; amending s. 380.504, F.S.; providing for a board of the trust and its membership; amending s. 380.505, F.S.; revising quorum requirements; amending s. 380.507, F.S.; revising the powers of the trust; amending s. 380.508, F.S.; revising guidelines and requirements with respect to projects proposed by local governments for funding by the trust; amending s. 380.510, F.S.; revising requirements relating to conditions of grants and loans made by the trust; amending s. 380.511, F.S.; revising provisions relating to use of funds of the Florida Communities Trust Fund; repealing s. 380.513, F.S., relating to the trust's corporate existence; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Community Affairs; and Appropriations.

By the Committees on Finance and Taxation; and Regulated Industries; and Representative Kelly—

CS for HB 2877—A bill to be entitled An act relating to taxation on greyhound races; creating s. 550.09514, F.S.; providing for greyhound taxes; providing for an abandoned interest in a permit for nonpayment of taxes; providing for distribution of purses; providing for repeal; creating s. 550.09516, F.S.; providing for a greyhound program to be administered through the Division of Pari-mutuel Wagering; providing for repeal under certain circumstances; providing for a different tax rate under certain circumstances; providing an effective date.

—was referred to the Committee on Commerce.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has reconsidered House Amendment 1, adopted Substitute House Amendment 1, and passed as further amended SB 58 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 58—A bill to be entitled An act relating to confidentiality of information pertaining to the revocation of a law enforcement officer's certification; reenacting and amending s. 943.1395(6)(b), F.S.; continuing the exemption of such information from public records law provisions; providing for future review and repeal; providing an effective date.

Substitute House Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (b) of subsection (6) of section 943.1395, Florida Statutes, is reenacted and amended to read:

943.1395 Certification for employment or appointment; concurrent certification; reemployment or reappointment; inactive status; revocation; suspension; investigation.—

(6) The commission shall revoke the certification of any officer who is not in compliance with the provisions of s. 943.13(4) or who intentionally executes a false affidavit established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

(b) ~~The report of misconduct request for revocation, the investigation, and all records or information provided to or developed by the commission during the course of an gathered from the investigation conducted by the commission are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution chapter 119 and, except as for information otherwise provided exempted by law, such information shall be subject to public disclosure opened to the public only after a determination as to probable cause has been~~

~~made or until the investigation becomes inactive. probable cause is determined. If probable cause is not found, all identifying information exempted by law shall be deleted from the record before it is made available to the public. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

Section 2. The Legislature finds that the exemption from the public records law of records of officer misconduct relating to investigations by the Criminal Justice Standards and Training Commission until a determination of probable cause has been made or until the investigation becomes inactive is a public necessity in that release of such information prior to a determination being made or the investigation becoming inactive could severely hamper the successful completion of the investigation and have unnecessary negative ramifications on the personal and professional reputation of the accused officer. The need for the exemption thus outweighs the public benefit of access to the information, and the exemption is no broader than necessary to effectively conduct investigations of officer misconduct in that the exemption only exists until a determination of probable cause has been made or until the investigation becomes inactive.

Section 3. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, strike lines 2 through 9 and insert: An act relating to confidentiality of records relating to investigations of law enforcement officer misconduct; amending s. 943.1395, F.S., which provides an exemption from public records requirements for information held by the Criminal Justice Standards and Training Commission relating to such investigations; revising and clarifying the exemption; saving such exemption from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

Senator Silver moved the following amendment which was adopted:

Senate Amendment 1 to Substitute House Amendment 1—On page 1, line 28, strike “confidential and”

On motion by Senator Silver, the Senate concurred in **Substitute House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

SB 58 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has reconsidered House Amendment 1, adopted Substitute House Amendment 1, and has passed as further amended SB 64, and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 64—A bill to be entitled An act relating to confidentiality of information pertaining to examinations administered by the Criminal Justice Standards and Training Commission; reenacting and amending s. 943.173(2), F.S.; continuing the exemption of such information from public records law provisions; providing for future review and repeal; providing an effective date.

Substitute House Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (2) of section 943.173, Florida Statutes, is reenacted and amended to read:

943.173 Examinations; administration; materials not public records; disposal of materials.—

(2) All examinations, assessments, and instruments and the results of examinations, *other than test scores on officer certification examinations, including developmental materials and work papers directly related thereto, prepared, prescribed, or administered pursuant to s. 943.13(9) or (10) and 943.17 are exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution s. 119.07.* Provisions governing access to, maintenance of, and destruction of relevant

documents pursuant to this section shall be prescribed by rules adopted by the commission. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

Section 2. *The Legislature finds that the exemption from the public records law for examinations, assessments, and instruments and results of examinations, other than test scores on officer certification examinations, including developmental materials, relating to law enforcement officer testing is a public necessity in that release of such information would severely compromise the integrity of law enforcement training programs and certification processes.*

Section 3. This act shall take effect October 1, 1994.

And the title is amended as follows:

On page 1, strike lines 2 through 9 and insert: An act relating to confidentiality of records relating to examination of law enforcement officers; amending s. 943.173, F.S., which provides an exemption from public records requirements for such records; removing the exemption for test scores on officer certification examinations; saving such exemption from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

On motion by Senator Silver, the Senate concurred in the House amendment.

SB 64 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 204 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 204—A bill to be entitled An act relating to fraudulent practices; defining the offense of “equity skimming,” involving the purchase of dwellings, failure of the purchaser to make payments on existing mortgages or deeds of trust, and use of the rents from such dwellings by the purchaser; providing penalties; providing an effective date.

House Amendment 1—On page 1, line 21, after the semicolon (;) insert: and

House Amendment 2—On page 1, strike line 15 and insert: defraud the owner of real property, to engage in equity skimming, which is, to:

On motions by Senator Holzendorf, the Senate concurred in the House amendments.

SB 204 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 228 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 228—A bill to be entitled An act relating to weapons and firearms; amending s. 790.115, F.S.; revising the prohibition against exhibiting a firearm or certain other destructive devices on school grounds or school facilities to prohibit any such action within a specified area of the property comprising a school; exempting the owner of specified private real property or a person authorized, licensed, or invited by the owner of such property while on such property; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 15, strike everything after the enacting clause and insert:

Section 1. Subsection (1) of section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms on school property prohibited; penalties; exceptions.—

(1) A person who exhibits any sword, sword cane, firearm, electric weapon or device, destructive device, or other weapon, in the presence of one or more persons in a rude, careless, angry, or threatening manner and; not in lawful self-defense, on the grounds or facilities of any school, school bus, or school bus stop, or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This subsection does not apply to the exhibition of a firearm or weapon on private real property within 1,000 feet of a school by the owner of such property or by a person whose presence on such property has been authorized, licensed, or invited by the owner.

Section 2. This act shall take effect July 1, 1994.

And the title is amended as follows:

In title, on page 1, line 8, before the semicolon (;) insert: during specified times

On motion by Senator Holzendorf, the Senate concurred in the House amendment.

CS for SB 228 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 260 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 260—A bill to be entitled An act relating to child care; amending s. 402.302, F.S.; defining the term "indoor recreational facility" and requiring that such facilities be licensed as child care facilities; exempting indoor recreational facilities from the minimum outdoor-square-footage-per-child requirement applicable to child care facilities; amending s. 409.176, F.S.; revising procedure for registration of residential child-caring agencies; deleting certain responsibilities of the Department of Health and Rehabilitative Services; providing responsibilities of a qualified association meeting standards of a statewide child-care organization; requiring notice to the department of certain violations and of suspension or revocation of registration; requiring an annual report to the department; providing an effective date.

House Amendment 1—On page 2, line 5, after "section" insert: ,if the indoor recreational facility has, at a minimum, 3,000 square feet of usable indoor floor space

House Amendment 3 (with Title Amendment)—On page 10, between lines 9 and 10, insert:

Section 3. A person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care since July 1, 1980, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement as delineated in section 402.305(3), Florida Statutes.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 1, line 19, after the semicolon (;) insert: allowing certain child care personnel to meet specified child care facility staff credential requirements;

On motions by Senator Holzendorf, the Senate concurred in the House amendments.

SB 260 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 276 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 276—A bill to be entitled An act relating to confidentiality of records of the Department of Health and Rehabilitative Services with respect to forensic clients; reenacting and amending s. 916.107(8), F.S.; revising conditions under which confidential information will be made public; providing for future review and repeal of the exemption; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, paragraph (c) of subsection (7) of section 766.106, Florida Statutes, is reenacted and amended to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.—

(7) Informal discovery may be used by a party to obtain unsworn statements, the production of documents or things, and physical and mental examinations, as follows:

(c) Physical and mental examinations.—A prospective defendant may require an injured prospective claimant to appear for examination by an appropriate health care provider. The defendant shall give reasonable notice in writing to all parties as to the time and place for examination. Unless otherwise impractical, a prospective claimant is required to submit to only one examination on behalf of all potential defendants. The practicality of a single examination must be determined by the nature of the potential claimant's condition, as it relates to the liability of each potential defendant. Such examination The report is available to the parties and their attorneys of the examiner must be made available to all parties upon payment of the reasonable cost of reproduction. Such report may be provided only to parties and their attorneys and may be used only for the purpose of presuit screening. Otherwise, such examination report is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsection (8) of section 916.107, Florida Statutes, is reenacted and amended to read:

916.107 Rights of forensic clients.—

(8) CLINICAL RECORD; CONFIDENTIALITY.—A clinical record for each patient shall be maintained. The record shall include data pertaining to admission and such other information as may be required under rules of the department. Unless waived by express and informed consent by the patient or his legal guardian or, if the patient is deceased, by the patient's personal representative or by that family member who stands next in line of intestate succession or except as otherwise provided in this subsection, the privileged and confidential status of the clinical record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(a) Such The clinical record may shall not be a public record, and no part of it shall be released, except:

1. The record may be released To such persons and agencies as are designated by the patient or his legal guardian.

2. ~~The record shall be released~~ To persons authorized by order of court, ~~excluding matters privileged by other provisions of law.~~

3. ~~The record or any part thereof may be disclosed~~ To a qualified researcher, *as defined by rule*; a staff member of the facility; ; or an employee of the department when the administrator of the facility or secretary of the department deems it necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. ~~Information from the clinical records may be used~~ For statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

5. ~~If Whenever~~ a patient receiving services pursuant to this chapter has declared an intention to harm other persons; however, only the ~~such~~ declaration may be disclosed.

6. ~~Nothing in this subsection is intended~~ To prohibit the parent of a mentally ill or mentally retarded person who is committed to, or is being treated by, a forensic mental health facility or program ~~when such from requesting and receiving~~ information is limited to that person's treatment plan and current physical and mental condition. Release of such information shall be in accordance with the code of ethics of the profession involved.

(b)7. Notwithstanding other provisions of this subsection, the department may request or, receive from or, ~~and provide to any of the following~~ entities client information to facilitate treatment, rehabilitation, and continuity of care of any forensic client ~~from any of the following~~:

1.a. The Social Security Administration and the United States Department of Veterans Affairs;

2.b. Law enforcement agencies, state attorneys, public defenders or other attorneys defending the patient, and judges in regard to the patient's status;

3.e. Jail personnel in the jail to which a client may be returned; and

4.d. Community ~~mental health~~ agencies and others expected to provide ~~followup mental health~~ care to the patient upon his return to the community.

(c)8. The department may provide notice to any patient's next of kin or first representative regarding any serious medical illness or the death of the patient.

(d)(b)1. Any law enforcement agency, treatment facility, or other governmental agency that receives information pursuant to this subsection shall maintain the confidentiality of such information ~~except as a non-public record~~ as otherwise provided herein.

2. Any agency or private ~~mental health or mental retardation~~ practitioner who acts in good faith in releasing information pursuant to this subsection is not subject to civil or criminal liability for such release.

The exemptions contained in this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 3. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, section 953.15, Florida Statutes, is reenacted and amended to read:

953.15 Records of drug punishment program assessment and treatment providers; confidentiality.—Drug test results may be divulged to the drug punishment program treatment community and department correctional personnel who are involved with the drug offender. All records of drug punishment program assessment and treatment providers shall be maintained by the individual provider and shall include the drug offender's assessment and treatment information and such other information as may be required under rules of the department.

(1)(a) Unless waived by express and informed consent by the drug offender or his guardian or, if the drug offender is deceased, by his personal representative or by the person who stands next in line of intestate succession, the ~~privileged and confidential status of the clinical assessment and treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14 shall not be lost by either authorized or unauthorized disclosure.~~

(b)(1) Such drug punishment ~~program~~ assessment and treatment records ~~may shall not be public records and shall not be released, except:~~

1.(a) To such persons and agencies as are designated by the drug offender or his guardian.

2.(b) To persons authorized by order of court, ~~excluding matters privileged by other provisions of law.~~

3.(c) To a qualified researcher, *as defined by rule*; a staff member of the designated treatment facility; ; or an employee of the department when the administrator of the facility or the secretary deems it necessary for treatment of the drug offender, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4.(d) For statistical and research purposes if the information is abstracted in such a way as to protect the identity of individual drug offenders.

(c)(2) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity receiving information pursuant to this section shall maintain the confidentiality of such information ~~except as a nonpublic record~~ as otherwise provided herein.

(2)(3)(a) The department shall provide to the circuit courts forms to be signed as a condition of drug treatment probation, providing the drug offender's informed consent to treatment and consent to release of records and information required pursuant to this part.

(b) ~~All drug punishment program assessment and treatment records are confidential to the extent described in this section and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~

(3)(4) The department shall have full access to all drug punishment program records to ensure coordination of drug punishment program services, and shall provide to the program evaluator all information needed to perform the evaluation program under part VI.

Section 4. The Legislature finds that exempting from the public records law patient medical records and clinical assessment and treatment records is a public necessity in that harm caused by releasing such information outweighs any public benefit derived from releasing such information. Information contained in such records is of a sensitive and personal nature, and such information could be used to discriminate against the person to whom the record pertains. Should clinical records of forensic clients or drug offenders be available, not only would it be embarrassing to the individual, but it could cause harm to the professional reputation of such individual. In addition, if such individual knew that this information could be public, he or she might not seek the treatment necessary for recovery.

Section 5. This act shall take effect October 1, 1994.

And the title is amended as follows:

In title, on page 1, strike the entire title and insert: An act relating to the confidentiality of certain medical records and information; amending s. 766.106, F.S., which provides an exemption from public records requirements for physical and mental examination reports held by health care providers in connection with medical malpractice actions; revising the exemption and saving it from repeal; amending s. 916.107, F.S., which provides an exemption from public records requirements for clinical records of forensic clients of the Department of Health and Rehabilitative Services; revising the exemption and saving it from repeal; amending s. 953.15, F.S., which provides an exemption from public records requirements for clinical assessment and treatment records of drug offenders in drug punishment programs; revising the exemption and saving it from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

On motion by Senator Myers, the Senate concurred in the House amendment.

SB 276 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 312 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 312—A bill to be entitled An act relating to public educational facilities construction; amending s. 235.19, F.S.; allowing sites that are less than standard size to be used for urban schools; amending s. 235.26, F.S.; exempting public educational facilities from certain road closure requirements; providing an effective date.

House Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Subsection (11) of section 235.011, Florida Statutes, is amended to read:

235.011 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms shall be defined as follows for the purpose of this chapter:

(11) "Maintenance and repair" means the upkeep of educational and ancillary plants, ~~excluding renovation, and~~ including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways. *"Maintenance and repair" shall not include renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems.*

Section 2. Section 235.014, Florida Statutes, is amended to read:

235.014 Functions of the office.—The functions of the office shall include, but not be limited to, the following; it shall:

(1) Establish minimum and maximum square footage requirements for different functions and areas and the procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when using local operating funds. The office shall encourage multiple use of facilities and spaces in educational plants.

(2) Establish equitably uniform utilization standards for all types of like space, regardless of the level of education. These standards shall also establish a minimum utilization rate of 90 percent of all postsecondary classrooms, based on 65 hours per week, Monday through Saturday.

~~(3) On behalf of a board, including the Board of Regents, request, when there is a clear and present danger to life and safety, county and municipal governments to construct and maintain sidewalks or bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government.~~

(3)(4) Evaluate the plan for educational facilities of each public school board for inclusion in the integrated, comprehensive budget request.

(4)(5) Require of the boards, including the Board of Regents, the submission of other educational plant inventories data and statistical data or information relevant to construction and capital improvements.

(5)(6) Require from each board, including the Board of Regents, from all agencies of the state, and from other appropriate agencies complete and accurate financial data as to the amounts of funds from all sources that are available for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does not submit the required educational facilities fiscal data by the prescribed date, the commissioner shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the school board shall be directed to proceed pursuant

to the provisions of s. 230.23(11)(b). If any community college or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed above for school districts shall be implemented.

(6)(7) Administer, under the supervision of the commissioner, the Public Education Capital Outlay and Debt Service Trust Fund.

(7)(8) Approve or disapprove, for reasons shown, sites and facilities to be purchased or lease purchased for educational and ancillary purposes by educational agencies. *Office approval of site purchases shall be required only if the proposed site does not comply with standards required by law or State Board of Education rule, in which case the board shall submit a site-waiver request for review and approval by the office.*

(8)(9) Determine the roles of the different state and local government agencies, including planning commissions, in the planning, design, and construction of educational facilities and improvements to ensure inclusion of services and programs for community centers that can appropriately be provided on a single site for the purpose of meeting current and future needs of the community to be served.

(9)(10) Develop, review, update, and revise a mandatory, uniform building code for facilities construction and capital improvement by boards.

(10)(11) Ensure as far as practicable that there be as much participation as possible by local personnel in determining programs and activities. Local initiative should be encouraged and utilized in order that the needs of local communities be met, as far as practicable, when constructing new educational facilities or making additions or improvements to existing facilities in the community.

(11)(12) Approve educational and ancillary plant specifications and construction documents for remodeling, renovation, or new construction of educational plants or ancillary facilities to determine compliance with rules and statutes, except that the Board of Regents shall approve specifications and construction documents for the State University System. *The Department of Management Services shall provide similar services for the Florida School for the Deaf and the Blind and shall use a state minimum building code adopted pursuant to s. 553.73 and the National Fire Protection Association Life Safety Code as adopted pursuant to chapter 633.*

(12)(13) Coordinate educational plant surveys and document the determination of future needs.

(13)(14) Make available to boards, including the Board of Regents, technical assistance relating to maintenance and operation of educational plants; postoccupancy evaluation; custodial and maintenance training; educational facilities specifications; safety; security and risk management; and plant services.

(14)(15) Provide technical assistance to boards, including the Board of Regents, by ~~recommending developing~~ standards and specifications for commodities and products needed in the construction and management of educational plants, and by providing a list of vendor or manufacturer commodities and products which conform to the specifications. Testing for conformity shall be conducted by the Department of Agriculture and Consumer Services Commodity Testing Laboratory, pursuant to s. 570.46(5). Vendors or manufacturers desiring to be included on the list shall pay the actual costs of testing, as determined by the laboratory, for the initial testing of each commodity or product and for any subsequent testing ~~in which the product fails to conform to specifications~~. Testing fees collected shall be deposited in the Facility Construction Administrative Trust Fund. Use of the standards, specifications, and vendor or manufacturer commodities or products listed shall be discretionary by individual boards.

(15)(16) Provide annually to the State Board of Community Colleges and the Board of Regents an estimate of the funds available to that board for developing their required 3-year priority list. This amount shall be based upon the average percentage for the 5 prior years of funds appropriated by the Legislature for fixed capital outlay to each level of education: public schools, community colleges, and the State University System.

(16)(17) Perform any other functions that may be involved in educational facilities construction and capital improvement which shall ensure that the intent of the Legislature is implemented.

Section 3. Subsection (1) of section 235.054, Florida Statutes, is amended to read:

235.054 Proposed purchase of real property by a board; confidentiality of records; procedure.—

(1)(a) *Site purchases which do not comply with standards required by law or as adopted by the State Board of Education must be approved by the office. The board shall submit a site-waiver request, with justification, to the office.*

(b) In any case in which a board, pursuant to the provisions of this chapter, seeks to acquire by purchase any real property for educational purposes, every appraisal, offer, or counteroffer must be in writing and is exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the board. If a contract or agreement for purchase is not submitted to the board for approval, the exemption from s. 119.07(1) will expire 30 days after the termination of negotiations. The board shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term "option contract" means an agreement by the board to purchase a piece of property, subject to the approval of the board at a public meeting after 30 days' public notice. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(c)(b) The board will not be under any obligation to exercise the option unless the option contract is approved by the board at the public hearing specified in this section. If this procedure is utilized, the board shall obtain at least one appraisal by an appraiser who is a member of an appraisal organization listed in s. 253.025(7)(b) for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the board shall obtain at least two appraisals by appraisers who are members of appraisal organizations listed in s. 253.025(7)(b). If the agreed purchase price exceeds the average appraised price of the two appraisals, the board is required to approve the purchase by an extraordinary vote. The board may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

Section 4. Subsections (3) and (6) of section 235.19, Florida Statutes, are amended to read:

235.19 Site planning and selection.—

(3) Each new site selected *must* ~~shall~~ be adequate in size to meet the educational needs of the students to be served. The State Board of Education shall prescribe by rule standard sizes for new sites according to categories of students to be housed and other appropriate factors ~~as may be determined by the state board. Less-than-standard site sizes may be allowed for urban schools if the district provides evidence of its ability to provide an appropriate and equitable educational program which has been adopted by the school board. A multistory educational facility may be constructed on a site at the discretion of the district if the district provides evidence that the facility can be used to provide an appropriate and equitable educational program.~~

(6) *Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a school board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of directly adjacent to a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the school board shall, within 24 hours after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the school board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity which has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the school board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting*

the condition. After the 5-day period has elapsed, the governmental entity shall indemnify the school board from any liability with respect to injuries, if any, arising out of the hazardous condition.

Section 5. Section 235.211, Florida Statutes, is amended to read:

235.211 Educational facilities construction techniques and financing mechanisms.—~~Pursuant to rules of~~ The state board, ~~the office shall by rule require boards to employ procedures for the design and construction of new facilities, or major additions to existing facilities, that will include, but not be limited to, the latest developments in construction, in order to ensure that educational facilities are constructed rapidly and economically. Except as otherwise provided in this section and in accordance with the provisions of s. 481.229, the services of a registered architect shall be used for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect shall not be required for minor renovation projects with a construction cost of less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted pursuant to s. 235.26(2) and (3). Boards are encouraged to consider the reuse of existing construction documents where such reuse is feasible and practical. However, the selection process provided for in s. 287.055 shall be utilized for these projects and such reuse shall not be without notice to, and permission from, the architect of record whose plans are being reused. These plans shall be reviewed by the office for compliance with the State Uniform Building Code for Public Educational Facilities Construction. Rules adopted pursuant to this section may include the following concepts and shall establish prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design build process may be included in the requirements of the office.~~

(1) SYSTEMS BUILDING PROCESS.—An approach to construction that combines the organization and programming, planning, design, financing, manufacturing, construction, and evaluation of buildings under single or highly coordinated management into an efficient total process. A total building system is an interdependent group of building subsystems forming a unified whole. The systems building process requires the standardization and multiple reuse of building subsystems for maximum compatibility and interfaceability of different structures and facilities.

(2) FAST-TRACK CONSTRUCTION SCHEDULING.—A method which involves the bidding and awarding of certain building subsystems after approval of preliminary design and before final document completion. Fast-track construction reduces construction time by overlapping design development and construction of various subsystems. It can improve cost and price control and eliminates extensive design development time by planners and designers.

(3) CONSTRUCTION MANAGEMENT.—A process whereby a single or highly coordinated authority is responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project.

(4) TURNKEY BIDDING.—A method whereby the contractor agrees to complete construction to the user's specifications and requirements at a previously agreed cost.

(5) DESIGN AND BUILD BIDDING.—A procedure which requires that an architect, contractor, or engineer bid the entire design and construction of a project and which requires that the owner hire a single source for the project completion and be responsible for the development of performance specifications and technical criteria.

(6) USE OF COMPONENTS.—The use of modular, prefabricated, and standardized components.

Notwithstanding anything above, a board shall be authorized, *as allowed by this chapter and other statutes governing public facilities*, to utilize its own procedures, designs, construction techniques, and materials, ~~provided upon a showing to the office that such alternatives proposal will result in equivalent educational facilities without an increase in cost or a delay in construction. Each board shall notify the office of the board's intent to utilize such alternatives.~~

Section 6. Section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—The State Board of Education shall adopt a uniform

statewide building code for the planning and construction of public educational and ancillary plants by *district school boards and community college district boards of trustees, except for Board of Regents facilities*. The code shall be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code shall be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R., parts 59 and 60, and subsequent revisions thereto which are adopted established by the Federal Emergency Management Agency, effective October 1, 1986. Wherever the words "Uniform Building Code" appear, they shall mean the "State Uniform Building Code for Public Educational Facilities Construction." It shall not be the intent of the Uniform Building Code to inhibit the use of new materials or innovative techniques; nor shall it specify or prohibit materials by brand names. The code shall be flexible enough to cover all phases of construction which will afford reasonable protection for public safety, health, and general welfare. The office may secure the service of other state agencies or such other assistance as it may find desirable in the revision of the code.

(1) UNIFORM BUILDING CODE.—

(a) *Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a district school board or a community college district board of trustees board, except the Board of Regents, shall conform to the State Uniform Building Code for Public Educational Facilities Construction, and such plants are exempt from all other state, county, district, municipal, or local building codes, interpretations, building permits, and assessments of fees for building permits, ordinances, road closures, and impact fees or service availability fees. Any inspection by local or state government shall be based on the Uniform Building Code as prescribed by rule. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the Uniform Building Code.*

(b) *A district school board or community college district board of trustees may conform with local building codes and the administration of such codes when constructing ancillary plants which are not attached to educational facilities, provided that such plants conform with the space size requirements established in the Uniform Building Code.*

(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—*A district school board or community college district board of trustees shall not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Uniform Building Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president authority for submitting documents to the office and for awarding contracts subsequent to and consistent with board approval of the scope, time frames, funding source, and budget of a survey-recommended project. It shall also be the responsibility of the office to develop, as a part of the Uniform Building Code, standards relating to:*

(a) *Prefabricated or factory-built facilities which are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.866. Such standards shall permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and State Board of Education rule.*

(b) *The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.*

(c) *The safety of occupants of educational and ancillary plants as provided in s. 235.06.*

(d) *The physically handicapped.*

(e) *Accessibility for children, notwithstanding the provisions of s. 553.512 ss. 553.48 and 553.49.*

(f) *An energy performance index which shall be a number describing the energy requirements at the building boundary of a facility, per square foot of floor space, under defined internal and external ambient conditions over an annual cycle. As experience develops on the energy performance achieved by the facility, the energy performance index will serve as a measure of building performance with respect to energy consumption and as a guide for the revision of the energy performance index used in*

the design of future facilities. The energy performance index will consider the energy efficiency of the facility so as to minimize the consumption of energy used in the operation and maintenance of the facility. The office may adopt standards for the energy performance index or portions thereof already established by the Department of Management Services under ss. 255.251-255.256.

(g) *The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.*

1. *The life-cycle cost analysis shall be the sum of:*

a. *The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and*

b. *The reasonable costs of probable maintenance, including labor and materials, and operation of the building.*

2. *For computation of the life-cycle costs, the office shall develop standards that shall include, but not be limited to:*

a. *The orientation and integration of the facility with respect to its physical site.*

b. *The amount and type of glass employed in the facility and the directions of exposure.*

c. *The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.*

d. *The variable occupancy and operating conditions of the facility and subportions of the facility.*

e. *An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.*

3. *Such standards shall be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the office. Provisions shall be made for an annual updating of standards as required.*

(3) ENFORCEMENT BY BOARD.—*It is the responsibility of each district school board and community college district board of trustees to ensure that all plans and educational and ancillary plants meet the standards of the Uniform Building Code and to provide for the enforcement of this code in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board is authorized to employ a chief building official or inspector and such other inspectors, certified by the office, and personnel as may be necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified by the office to enforce this code. Plans or facilities that fail to meet the standards of the Uniform Building Code shall not be approved.*

(4) ENFORCEMENT BY OFFICE OF EDUCATIONAL FACILITIES.—*As a further means of ensuring that all educational and ancillary facilities hereafter constructed or materially altered or added to conform to the Uniform Building Code standards, each district school board and community college district board of trustees which undertakes the construction, renovation, remodeling, purchasing, or lease-purchase, or leasing of any educational plant or ancillary facility, the cost of which exceeds \$200,000, shall submit plans to the office and receive the approval of the office. Plans for leased facilities for K-12 in which the value of the building or the value of any renovation or remodeling exceeds \$200,000 shall be reviewed by the office for compliance with the Uniform Building Code as required by this chapter and such facilities shall be inspected annually for fire safety deficiencies. Facilities leased solely for noninstructional purposes or community college or other adult education programs shall meet the code requirements of either this chapter or chapters 553 and 633 and shall be inspected annually for fire safety deficiencies. All leased facilities whose plans are reviewed by the office shall be inspected by the office prior to occupancy. Plans for all relocatables and all plans involving modification of fire exiting shall be submitted to the office for review and approval regardless of the amount of con-*

struction cost. Plans for maintenance projects pursuant to s. 235.011(11) do not require office approval. No public educational funds may legally be expended for the construction, renovation, remodeling, purchasing, or lease-purchase, or leasing of any educational or ancillary plant unless the provisions of this section are observed and until a written statement has been issued from the office, within the time limits and cost limitation as provided in this section, that approval has been granted.

(5) OFFICE APPROVAL.—

(a) Before a contract has been let for the construction, a *district school board or community college district board of trustees* shall require the superintendent or president to submit to the office, in accordance with state board rules, two copies each of:

1. *Facilities list of all spaces to be constructed in the project for all educational and ancillary plants, by function and area with the corresponding budget and survey recommendation plant specifications.*

~~2. Phase I documents, to include schematic drawings and proposals.~~

~~3. Phase II documents, to include:~~

~~a. Preliminary drawings and proposals;~~

~~b. Preliminary specifications;~~

~~c. Energy efficiency studies; and~~

~~d. Life cycle cost analysis.~~

2.4. Phase III documents, to include completed construction documents.

A board may submit for review by the office two copies each of the following: phase I documents, including schematic drawings and proposals, and phase II documents, including preliminary drawings and proposals, preliminary specifications, energy efficiency studies, and life-cycle cost analysis. The board may not proceed with the opening of bids for any proposed construction until the written approval of phase III documents has been received from the office. The office shall, in writing, approve, disapprove, make recommendations, or otherwise act on the educational and ancillary plant specifications and phase documents submitted by a board within 30 calendar days of the official receipt of each set of phase documents by the office. If the board does not receive written notice within the prescribed time, then it may proceed with the opening of bids as if written approval had been received. The State Board of Education is empowered and directed to adopt rules providing for exceptions to the steps required for approval for state board-approved prototype design criteria, reuse of previously approved district plans, and other plans and proposed minor renovations or construction projects which do not necessarily require detailed documentation and intense review by the office. Approval of phase III documents shall be effective for a 1-year period after the date of such approval. A board may reuse *prototype the plans on another site within the same district or community college board jurisdiction within 2 years after approval*, provided the *facilities list and phase III construction documents* have been updated for the new site and for compliance to comply with the Uniform Building Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the office shall take into consideration:

1. The need for the new facility.
2. The educational and ancillary plant planning.
3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Uniform Building Code standards.
9. The structural design and strength of materials proposed to be used.

10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air conditioning systems preapproved by the office for specific applications may be used in the design of educational facilities.

11. The electrical design of educational plants. Typical lighting configurations preapproved by the office for specific applications may be used in the design of educational facilities.

12. The energy efficiency and conservation of the design.

13. Life-cycle cost considerations.

14. The design to accommodate physically handicapped persons.

15. The ratio of net to gross square footage.

16. The proposed construction cost per gross square foot.

(c) The board shall not occupy a facility until the project has been inspected by the office to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. *Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record and submitted to the office as a record of the project's completion.*

(6) STATE BOARD OF APPEALS.—The State Board of Education shall be the final board of appeals for all questions, disputes, or interpretations involving the Uniform Building Code, and any *objections heard shall prepare in writing its reasons for objecting* to decisions made by the inspectors or the office *shall be submitted in writing.*

(7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The office ~~shall be authorized to~~ biennially review, update, and revise the Uniform Building Code. The office shall publish and make available to each *district school board and community college district board of trustees* at no cost copies of the code and each amendment and revision thereto. The office shall make additional copies available to all interested persons at a price sufficient to recover costs.

(8) FALLOUT SHELTERS.—

(a) ~~After the effective date of this act,~~ A board may require the architect concerned in the initial design, stages of design, and construction of new educational facilities to apply for technical advice and counsel on fallout shelter slanting and cost-reduction techniques available without cost through the Department of Community Affairs.

(b) When the board concerned determines the application of fallout shelter slanting and cost-reduction techniques to be feasible and economical for the inclusion of a fallout shelter in the proposed educational facility, the design and construction of such educational facility may include fallout protection which meets the minimum standards for such protection as prescribed by the Department of Community Affairs.

(c) Educational authorities of the state and its political subdivisions are authorized to modify existing educational structures to incorporate fallout shelters, and the Department of Community Affairs shall make available to such authorities the same professional services as set forth in paragraph (a). Such authorities are further authorized to participate in such federal assistance programs as may be available to assist local authorities in providing fallout protection in educational facilities.

(9) LEGAL EFFECT OF CODE.—The State Uniform Building Code for Public Educational Facilities Construction shall have the force and effect of law and shall supersede any other code adopted by a *district school board or community college district board of trustees* or any other building code or ordinance for the construction of educational and ancillary plants whether at the local, county, or state level and whether adopted by rule or legislative enactment. All special acts or general laws of local application are hereby repealed to the extent that they conflict with this section.

(10) EDUCATION FACILITIES AS EMERGENCY SHELTERS.—The Department of Education shall, in consultation with school boards and county and state emergency management offices, assess the State Uniform Building Code for Public Educational Facilities Construction to determine amendments necessary to incorporate public shelter design criteria into the Uniform Building Code. The new criteria must be designed to ensure that new educational facilities can serve as public shelters for emergency management purposes. The department shall

submit the proposed criteria and an estimate of the costs associated with implementing the proposed criteria to the Governor and the Legislature by January 1, 1994. The State Board of Education shall amend the State Uniform Building Code for Public Educational Facilities Construction to include the proposed public-shelter criteria by July 1, 1994. A facility for which a design contract is entered into subsequent to July 1, 1994, must be built in compliance with the amended code unless the facility or a part thereof is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable district school board or community college district board of trustees with the concurrence of the applicable local emergency management agency or the Department of Community Affairs.

(11) **LOCAL LEGISLATION PROHIBITED.**—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 7. Subsection (1) of section 235.31, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

235.31 Advertising and awarding contracts; day-labor projects; pre-qualification of contractor.—

(1)(a) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, remodeling, renovation, demolition, or otherwise for the improvement, of any educational or ancillary plant, and after plans for the work have been approved by the office, the board, after advertising the same in the manner prescribed by law or rule, shall award the contract for such building or improvements to the lowest responsible bidder. However, if after taking all deductive alternates, the bid of the lowest responsible bidder exceeds the construction budget established at the phase III submittal and no additional funds are available, the board may declare an emergency. After setting forth the reasons why an emergency exists, the board may negotiate the construction contract or modify the contract, including the specifications, with the lowest responsible bidder *and, if modified, shall resubmit the documents to the office for review. The Department of Education shall develop rules which define the criteria for declaring such emergencies and for resubmission of the construction documents to determine compliance with the Uniform Building Code.* The board may, within its discretion, reject all bids received, if it deems the same expedient, and may readvertise, calling for new bids. For constructing, renovating, or remodeling, or otherwise improving, educational facilities at a cost not exceeding \$200,000, the board may arrange for the work to be done on a day-labor basis. For renovating or remodeling only, at a cost of over \$200,000, if no bids are received after advertising the same in the manner prescribed by law, the work may be done on a day-labor basis.

(b) *The State Board of Education shall, by rule, define the criteria and procedures for declaring an emergency pursuant to this subsection.*

(c)(b) As an option, any county, municipality, community college, or district school board may set aside up to 10 percent of the total amount of funds allocated for the purpose of entering into construction capital project contracts with minority business enterprises, as defined in s. 287.094. Such contracts shall be competitively bid only among minority business enterprises. Such set-aside shall be used to redress present effects of past discriminatory practices and shall be subject to periodic reassessment to account for changing needs and circumstances.

(3) *A public agency that is authorized to purchase services for maintenance, repair, and site improvement of facilities on behalf of various agencies of a county must give the school board in that county the option of purchasing those services for educational facilities and ancillary plants under those contracts at the unit prices stated in those contracts. However, the person providing those services under such a contract may, without jeopardizing the contract, refuse to provide the services to the school board. The school board may purchase those services under such a contract only if the purchase is to the economic advantage of the school district and the services conform to the standards and specifications prescribed by rules of the State Board of Education and, if applicable, to the requirements of s. 287.055. This subsection does not apply to contracts in existence on July 1, 1994.*

Section 8. Section 235.32, Florida Statutes, is amended to read:

235.32 Substance of contract; contractors to give bond; penalties.—*Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract shall contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion.* Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. ~~Such contract shall contain the drawings and specifications of the work to be done or the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract.~~ The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. Any and all persons, firms, or corporations who shall construct any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the State Board of Education relating to building standards or specifications shall be subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs which will need to be incurred in making any changes necessary to assure that all requirements are met and shall also be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 9. Subsection (1) of section 235.321, Florida Statutes, is amended to read:

235.321 Changes in construction requirements after award of contract.—

(1) After the award of a construction contract, *changes to the phase III construction documents shall be made by board-approved change orders. no changes may be made other than those which result from conditions which were not foreseen at the time of the award of contract.* ~~When any one Change orders that increase or decrease increases or decreases the scope of the original contract or alter cost-completion time, the proposal to change shall be supported by accurate cost data establishing the fair and current market value of the labor, materials, equipment, and incidentals required to accomplish the change, plus or minus a reasonable margin to represent the contractor's profit and overhead. Cost data shall be in sufficient detail to enable any qualified architect or engineer to confirm the accuracy of such proposal. Before the board shall act on the proposal to change the contract, the accuracy of the supporting cost data shall be certified to the board by the architect or engineer in charge of the work, who shall also certify that the prices quoted are both fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding.~~

Section 10. Subsection (3) of section 235.41, Florida Statutes, is amended to read:

235.41 Legislative capital outlay budget request.—

(3) The commissioner shall submit an integrated, comprehensive budget request to the Executive Office of the Governor and to the Legislature ~~no later than 60 days prior to the legislative session each fiscal year by the submission date specified in s. 216.023(1).~~ Notwithstanding the provisions of s. 216.043, the integrated, comprehensive budget request shall include:

(a) ~~For the Public Education Capital Outlay and Debt Service Trust Fund and all sinking and investment accounts which are in receipt of any portion of the revenue sources listed in s. 215.42(2)(a);~~

1. ~~A schedule for each fund showing the actual beginning each balance for each of the 2 prior fiscal years and showing for the current fiscal year the estimated beginning each balance and a listing of all disbursements and receipts.~~

~~2. For the budget fiscal year for each fund, the projected beginning cash balance, a monthly projection of all receipts, and a monthly projection of all disbursements.~~

~~3. For the budget fiscal year, necessary forecasting data to enable the commissioner to prepare and submit a monthly gross receipts tax forecast, a monthly bond proceeds estimate, the interest rate assumption used in the bond proceeds estimate, a monthly interest earnings forecast, the interest rate assumption used in the calculation of interest to be received on the idle balances invested, and any other reports as deemed necessary by the Legislature.~~

(a)(b) Recommendations for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities, and other recommendations which relate to the effectiveness of the educational facilities construction program.

(b) All items in s. 235.435 shall be part of the legislative budget request submitted by the commissioner.

Section 11. Subsection (2) of section 235.42, Florida Statutes, is amended to read:

235.42 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.—

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

~~2. All student building fees and capital improvement fees collected, or to be collected, by the Board of Regents, except that portion that may be required for debt service and reserve requirements. Funds for such fees not required to pay prior lien amounts at each university for debt service administration pursuant to previous bond resolutions shall be deposited in the Public Education Capital Outlay and Debt Service Trust Fund within 30 days after collection.~~

2.3. General revenue funds appropriated to the fund for educational capital outlay purposes.

3.4. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

~~(b) There is hereby appropriated from the trust fund all certifications forward to this fund and all previous allocations by the Board of Regents from student building and capital improvement fees. All future allocations, transfers, or increases for projects funded from student building and capital improvement fees shall be by legislative appropriation.~~

However, Any funds required by law to be segregated or maintained in separate accounts shall be segregated or maintained in such manner that the relationship between program and revenue source is retained. Nothing in this subsection shall be construed so as to limit the use by the Public Education Capital Outlay and Debt Service Trust Fund of the resources of funds so segregated or maintained.

Section 12. Subsection (2) of section 235.4235, Florida Statutes, is amended to read:

235.4235 Financing of approved capital projects.—

(2) The sum designated annually by the Legislature is the maximum sum to be expended from funds accruing under s. 9(a)(2), Art. XII of the State Constitution, as amended, and from funds accruing under s. 235.42(2). However, funds appropriated from this source and remaining unexpended from previously authorized capital projects, along with grants, donations, and matching funds from other sources, may be added to such maximum sums for any item or category when so approved by the State Board of Education.

Section 13. Paragraph (h) is added to subsection (1) of section 235.435, Florida Statutes, to read:

235.435 Funds for comprehensive educational plant needs.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(1)

(h) The Board of Regents may utilize funds appropriated pursuant to this section for replacement of minor facilities provided that such projects do not exceed \$500,000 in cost or 5,000 gross square feet in size. Minor facilities may not be replaced from funds provided pursuant to this section unless the Board of Regents determines that the cost of repair or renovation is greater than or equal to the cost of replacement.

Section 14. Paragraph (q) is added to subsection (4) of section 230.23, Florida Statutes, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, as follows:

(q) Full school utilization program monitoring and evaluation.—Monitor and evaluate full school utilization programs. Each district receiving state funding for a full school utilization program shall submit an annual report to the Department of Education by July 1 following implementation of the program, documenting the extent to which the program meets outcome objectives.

Section 15. Subsection (4) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated taxable value and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value ~~nonexempt assessed valuation~~ for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value ~~nonexempt assessed valuation~~ for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the estimate of the taxable value for school purposes. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent taxable value for the appropriate year.

(b) Final calculation.—

1.2. The Department of Revenue shall, upon receipt of the official final assessed value of property tax roll from each of the property appraisers, certify to the commissioner the taxable value total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (d) (e). The commissioner shall use the official final taxable value for school purposes for each school district in the final calculation of the annual Florida Education Finance Program allocations.

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (13)(b), shall use the most recent tax roll data for the appropriate year.

2. For the purposes of this ~~paragraph~~ ~~subparagraph~~, the official final taxable value for school purposes ~~tax roll~~ shall be the taxable value for school purposes ~~tax roll~~ on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes and no further adjustments shall be made, except those made pursuant to paragraph (13)(b).

(c)(b) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The commissioner shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the ~~taxable value nonexempt assessed valuation~~ for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's ~~taxable value nonexempt assessed valuation~~ for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 236.25(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 236.25(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d)(e) Exclusion.—In those instances in which:

1. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll; and

2. The assessed value of the property in contest involves more than 10 percent of the total nonexempt assessment roll;

the assessed value of the property in contest shall be excluded from the ~~taxable value nonexempt assessed valuation~~ for school purposes for purposes of computing the district-required local effort.

(e)(d) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in ~~taxable value nonexempt valuation~~ was made pursuant to paragraph (d) (e), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing ~~taxable values nonexempt valuations~~ approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(f)(e) Required adult fees.—

1. Fees for all nonexempt students as defined in s. 239.117 shall be added to and made a part of the required local effort of each district.

2. Each district shall report the total fee-exempt, fee-nonexempt, fee-waived, fee-deferred, and nonresident full-time equivalent student enrollment for each adult program. Districts shall also report the total amount of fees collected from students as required by s. 239.117. The value of in-kind services accepted in lieu of fees shall not be added to and made a part of the total fee collection amount reported by the district.

3. Each district's total required local effort fee amount shall be calculated in the following manner:

a. A total resident fee amount shall be calculated for each district by summing the fee-nonexempt full-time equivalent enrollment for each adult program and by subtracting from that sum the district's nonresident full-time equivalent enrollment and by multiplying the difference by the fee amount specified in the General Appropriations Act.

b. A total nonresident fee amount shall be calculated for each district by multiplying each district's nonresident full-time equivalent enrollment by a number that is twice the fee amount specified in the General Appropriations Act.

c. A total unadjusted required local effort fee amount shall be calculated for each district by adding the resident fee amount calculated in sub-subparagraph a. to the nonresident fee amount calculated in sub-subparagraph b.

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 239.117.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.

f. A total required local effort fee amount shall be calculated for each district by adding the unadjusted fee amount calculated in sub-subparagraph c. to the fee adjustment amount calculated in sub-subparagraph e.

g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.

Section 16. Paragraphs (d) and (e) of subsection (9) of section 228.053, Florida Statutes, are amended to read:

228.053 Developmental research schools.—

(9) FUNDING.—

(d) Each developmental research school shall receive funds for operating purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for operations pursuant to

s. 236.25(1) by the value of 95 percent of the current year's *taxable value* ~~nonexempt assessed valuation~~ for school purposes for the district in which each developmental research school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the developmental research school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act to the Developmental Research School Trust Fund.

(e) Each developmental research school shall receive funds for capital improvement purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for capital improvements pursuant to s. 236.25(2) by the value of 95 percent of the current year's *taxable value* ~~nonexempt assessed valuation~~ for school purposes for the district in which each developmental research school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the developmental research school. The amount thus obtained shall be discretionary capital improvement funds and shall be appropriated from state funds in the General Appropriations Act to the Developmental Research School Educational Facility Trust Fund.

Section 17. Subsections (1) and (2) of section 236.25, Florida Statutes, are amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081(13) shall levy on the *taxable value* ~~nonexempt assessed valuation~~ for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort millage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the *taxable value* ~~nonexempt assessed valuation~~ for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, *athletic facilities*, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants or of leased facilities to correct deficiencies pursuant to s. 235.056(3).

(c) The purchase of school buses; drivers' education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(d) The purchase of new and replacement equipment.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(3), not exceeding, in the aggregate, an amount equal to one-half of the proceeds from the millage levied by a school board pursuant to this subsection.

(f) Payment of loans approved pursuant to ss. 237.161 and 237.162.

(g) Payment of costs directly related to complying with state and federal environmental statutes and regulations governing school facilities.

(h) Payment of costs of leasing relocatable educational facilities and of renting or leasing educational facilities and sites pursuant to s. 235.056(3).

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Section 18. Section 240.2805, Florida Statutes, is created to read:

240.2805 Administration of capital improvement and building fees trust funds.—The Board of Regents shall administer the Capital Improvement Fee Trust Fund and the Building Fee Trust Fund which include receipts from capital improvement and building student fee assessments, interest earnings, and subsidy grants. All funds, except those to be used for debt service payments, reserve requirements, and educational research centers for child development, pursuant to s. 240.531, shall be used to fund projects appropriated by the Legislature. Projects funded pursuant to this section may be expanded by the use of supplemental funds such as grants, auxiliary enterprises, private donations, and other nonstate sources when approved by the Executive Office of the Governor.

Section 19. Subsections (1) and (2) of section 240.295, Florida Statutes, are amended to read:

240.295 State University System; authorization for fixed capital outlay projects buildings; approval of construction.—

(1) *Notwithstanding the provisions of chapter 216, including s. 216.351, the State University System may accomplish fixed capital outlay projects consistent with the provisions of this section. Projects authorized by this section shall not require educational plant survey approval as prescribed in chapter 235. No project which upon completion requires general revenue for operation or maintenance shall be accomplished without approval by the Legislature. No construction of new, or remodeling of existing, facilities, except as hereinafter provided, shall occur without being recommended in an educational plant survey as prescribed in chapter 235.*

(2) *The following types of projects may be accomplished pursuant to the restrictions identified in subsection (1) This section shall not be construed to prohibit:*

(a) Construction of any new buildings, or remodeling of existing buildings, when funded from nonstate sources such as federal grant funds, private gifts, grants, or lease arrangements if such grants or gifts are given for the specific purpose of construction. ~~However, no facilities shall be constructed under this paragraph which require general revenue funds for operation or maintenance upon project completion or in subsequent years of operation unless approved by the Legislature. A private donor may pay all the moneys to construct a facility that is on the State University System 5-year Capital Improvement Plan. The Board of Regents may authorize a local organization to manage the planning and construction of the facility, if all plans are approved by the State University System and necessary inspections are made pursuant to state standards;~~

(b) The replacement of any buildings destroyed by fire or other calamity;

(c) Construction of dormitories or other auxiliary accommodations ~~financed as provided in s. 243.131; or~~

(d) Construction of new facilities or remodeling of existing facilities to meet needs for research, *provided that such projects are financed pursuant to s. 240.241; or as determined by the university, provided the amount of funds included in any such project does not exceed \$100,000.*

(e) *Construction of facilities or remodeling of existing facilities to meet needs as determined by the university, provided that the amount of funds for any such project does not exceed \$500,000, and the trust funds, other than the funds used to accomplish projects contemplated in this subsection, are authorized and available for such purposes.*

Section 20. Subsection (1) of section 481.229, Florida Statutes, is amended to read:

481.229 Exceptions; exemptions from licensure.—

(1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

(a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;

(b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or

(c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, *provided that the services of a registered architect shall not be required for minor renovation projects with a construction cost of less than \$50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted pursuant to s. 235.26(2) and (3).*

Section 21. Section 489.125, Florida Statutes, is amended to read:

489.125 Certificateholders eligible to participate in projects under s. 235.31. ~~Notwithstanding any provisions to the contrary in s. 235.31 relating to prequalification of bidders, Any person holding a certificate is shall be deemed~~ qualified to participate in any project under s. 235.31, if a board has not elected to prequalify bidders of educational facilities construction. If a board has elected to prequalify construction contractors, a person holding a certificate must apply to the board for prequalification consideration ~~thereunder~~.

Section 22. Sections 235.149 and 235.439, Florida Statutes, are hereby repealed.

Section 23. This act shall take effect July 1, 1994.

And the title is amended as follows:

Strike the entire title and insert: An act relating to education; amending s. 235.011, F.S.; revising the definition of "maintenance and repair"; amending s. 235.014, F.S.; revising functions of the Office of Educational Facilities of the Department of Education relating to request for maintenance of sidewalks and bicycle trails and approval of site purchases; providing duties of the Department of Management Services relating to the Florida School for the Deaf and the Blind; amending s. 235.054, F.S.; requiring office approval of certain site purchases and submission of a site-waiver request; amending s. 235.19, F.S.; providing an exception to standard site sizes in certain instances; authorizing the construction of multistory facilities; providing board duties relating to maintenance of sidewalks and bicycle trails; amending s. 235.211, F.S.; requiring the adoption of rules and procedures relating to construction and financing; providing exceptions to the requirement for architectural services; revising provisions relating to use of alternative construction processes; amending s. 235.26, F.S., relating to the State Uniform Building Code for Public Educational Facilities Construction; clarifying applicability; exempting public education facilities from certain road closure requirements; providing an exception; clarifying provisions; providing for certain inspections; requiring review of plans for certain leased facilities and inspection of facilities; requiring certain information for office approval; providing for certain verification of compliance; requiring code review; amending s. 235.31, F.S., relating to the awarding of contracts; authorizing school boards in certain school districts to purchase services for maintenance, repair, and site improvement of educational facilities and ancillary plants under the contracts of other public agencies; providing that persons providing the services under the contracts may refuse to provide services to the school board; providing that the purchase must be to the economic advantage of the school district and meet certain requirements; amending s. 235.32, F.S.; authorizing penalties for noncompliance with a contract; authorizing incentives; amending s. 235.321, F.S.; authorizing boards to approve construction change orders; providing guidelines for change orders; amending s. 235.41, F.S.; revising provisions relating to the submission and content of the capital outlay budget request; amending s. 235.42, F.S.; revising provisions relating to appropriations to and from the Public Education Capital Outlay Trust Fund; amending s. 235.4235, F.S.; deleting State Board of Education approval of certain unexpended capital outlay project funds; amending s. 235.435, F.S.; authorizing the Board of Regents to use Public Education Capital Outlay and Debt Service Trust Fund allocations for certain purposes; amending s. 230.23, F.S.; providing a duty of school boards relating to full school utilization programs; amending s. 236.081, F.S.; revising calculation of school district required local effort millage under the Florida Education Finance Program; defining official final taxable value for school purposes; amending s. 228.053, F.S.; conforming language; amending s. 236.25, F.S.; conforming language; revising provisions relating to use of the district school tax for capital outlay purposes; creating s. 240.2805, F.S.; providing for administration of the capital improvement and building fees trust funds; amending s. 240.295, F.S.; revising authorization requirements for state university fixed capital outlay projects; amending s. 481.229, F.S., relating to exemption from licensure as an architect; providing an exemption for certain education projects; amending s. 489.125, F.S.; requiring prequalification of certain contractors; repealing s. 235.149, F.S., relating to a survey for instructional space; repealing s. 235.439, F.S., relating to evaluation of full school utilization programs; providing an effective date.

House Amendment 1 (with Title Amendment) to House Amendment 1—On page 9, line 31, and on page 10, lines 1-3, strike said lines and insert: *establish uniform prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design build process. may be included in the requirements of the office. This section does not supersede any small, woman-owned or minority-owned business-enterprise preference program adopted by a board. The negotiation procedures applicable to construction management contracts and the design build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design build process.*

And the title is amended as follows:

In title, on page 44, line 25, after the semicolon (;) insert: requiring the adoption of rules and procedures relating to construction and financing;

House Amendment 2 (with Title Amendment) to House Amendment 1—On page 43, lines 18-23, strike said lines and insert: *qualified to participate in any project under s. 235.31, unless a district school board elects to prequalify contractors pursuant to uniform prequalification criteria adopted by rule of the State Board of Education. This section does not supersede any small, woman-owned or minority-owned business-enterprise preference program adopted by a district school board. A district school board may not modify or supplement the uniform prequalification criteria adopted by rule. If a district school board elects to prequalify contractors, a person holding a certificate must apply to that board for prequalification consideration thereunder.*

And the title is amended as follows:

In title, on page 46, line 25, strike "requiring" and insert: providing procedures for

House Amendment 4 to House Amendment 1—On page 43, strike lines 8-11 and insert: *school projects pursuant to s. 235.211.*

House Amendment 5 (with Title Amendment) to House Amendment 1—On page 43, between lines 25 and 26, insert:

Section 3. A study committee to be known as the Florida Education Facilities Study Committee shall be created for the purpose of evaluating problems relating to Florida's public education facilities and shall report back to the Legislature, the Governor, and the State Board of Education by November 1, 1994. The study committee shall review the following: current and projected capital facility needs; planning, design, and construction methodologies; emerging technology needs; program options that impact efficient use of facilities; capital financing methodologies and alternatives; and public-private options. The final report of the study committee shall include recommendations for proposed legislative and administrative action.

Section 4. Members of the study committee shall be appointed as follows: the Commissioner of Education shall appoint six persons; the Speaker of the House of Representatives, the President of the Senate, and the Governor shall each appoint five persons. Each group of appointees shall include at least one minority person as defined in section 288.703(3), Florida Statutes.

(Renumber subsequent section.)

And the title is amended as follows:

In title, on page 46, line 29, after the semicolon (;) insert: creating the Florida Education Facilities Study Committee; providing duties of the committee; requiring a report; providing for appointment of members;

On motions by Senator Turner, the Senate concurred in the House amendments.

SB 312 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 574 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 574—A bill to be entitled An act relating to the military; repealing s. 250.10(6)(e), F.S., relating to limitation of the tuition waiver program for Florida National Guard members; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, strike lines 9 and 10 and insert:

Section 1. Paragraph (e) of subsection (6) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.—

(6) The Adjutant General and representatives of the Board of Regents, the State Board of Community Colleges, and the State Board of Education shall design and develop a program wherein a member in good standing of the active Florida National Guard who is enrolled, or who may enroll, in a public institution of higher learning in the state shall be exempt from payment of one-half of the cost of tuition and fees, provided such member meets regular admission requirements and is admitted on a space-available basis. Such exemption shall not exceed a period of 10 years from the date of enrollment in the tuition waiver program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier.

(e) The number of National Guardsmen to receive waivers pursuant to this subsection shall be limited to 1,000 ~~250~~ annually.

And the title is amended as follows:

In title, on page 1, strike line 2 and insert: An act relating to the military; amending s.

On motion by Senator Bankhead, the Senate concurred in the House amendment.

SB 574 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 596 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 596—A bill to be entitled An act relating to the confidentiality of certain examination reports; amending s. 766.106, F.S.; revising an exemption from public records requirements for physical and mental examination reports held by health care providers for presuit screening; saving the exemption from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a)9., Florida Statutes, the exemptions found at sections 687.144(6) and 717.1301(5), Florida Statutes, shall not be repealed on said date and shall remain in full force and effect.

Section 2. This act shall take effect upon becoming law.

And the title is amended as follows:

In title, on page 1, strike all of lines 3-10 and insert: certain investigation and examination records; reenacting the public records exemption in s. 687.144(6), F.S., regarding investigation and examination records regarding loan brokering activities held by the Department of Banking and Finance; reenacting the public records exemption in s. 717.1301(5),

F.S., for investigation and examination records regarding unclaimed property held by the Department of Banking and Finance; providing an effective date.

On motion by Senator Childers, the Senate concurred in the House amendment.

SB 596 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 606 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 606—A bill to be entitled An act relating to Medicaid; amending ss. 409.906, 409.908, F.S.; changing references from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; requiring reimbursement for services provided by physician assistants; deleting a reference to former s. 409.9114, F.S.; amending s. 409.912, F.S.; requiring the agency to develop a procedure for expediting the disenrollment of a Medicaid-prepaid-plan enrollee who wishes to enter hospice care; requiring the agency to provide for a pro-rata recoupment of payments already made for a month in which disenrollment occurs; providing an effective date.

Substitute House Amendment 1—On page 10, strike all of lines 17-19 and insert:

(10) A hospice shall be reimbursed through a prospective system for each Medicaid hospice patient at Medicaid rates using the methodology established for hospice reimbursement pursuant to Title XVIII of the federal Social Security Act. ~~A provider of hospice care services shall be reimbursed through a prospective cost reimbursement system for each Medicaid hospice provider.~~

On motion by Senator Sullivan, the Senate concurred in the House amendment.

CS for SB 606 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 700 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 700—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Justice Administration budget entity, the state courts system, various state departments, and the Game and Fresh Water Fish Commission providing for transfer of current balances to general revenue; providing for the paying of outstanding debts and obligations of the terminated trust funds and for the removal of the terminated trust funds from the various state accounting systems; amending s. 812.175, F.S.; eliminating the Convenience Business Security Trust Fund and providing for deposit of moneys received under the Convenience Business Security Act into general revenue; repealing s. 946.40(5), F.S., relating to funding of the Inmate Work Program; amending s. 948.09, F.S.; providing for deposit of the proceeds of the surcharge for electronic monitoring of persons placed on community control into the Grants and Donations Trust Fund; repealing s. 950.002(10) and (11), F.S., relating to the Community Corrections Construction Trust Fund and the Community Corrections Operating Trust Fund; amending s. 948.51, F.S.; eliminating the Community Corrections Assistance Trust Fund; amending s. 943.041, F.S.; eliminating the trust fund of the Crimes Against Children Criminal Profiling Program; amending s. 382.025, F.S., to conform; providing for deposit of certain moneys into general revenue rather than

the trust fund; amending s. 943.25, F.S.; eliminating the Criminal Justice Training Improvement Trust Fund; repealing s. 255.25(4)(c), F.S., relating to the Public Facilities Conversion Revolving Trust Fund; amending s. 215.655, F.S.; eliminating the trust fund of the Arbitrage Compliance Program; amending s. 273.055, F.S.; eliminating the State Surplus Property Working Capital Trust Fund and providing for deposit of certain moneys relating to disposition of state-owned tangible personal property into general revenue; repealing s. 159.811(2), F.S., relating to the Revenue Bond Fee Revolving Trust Fund; amending s. 272.161, F.S.; providing for deposit of certain parking-related fees collected by the Department of Management Services into the Supervision Trust Fund rather than the Paid Parking Trust Fund; amending s. 372.074, F.S.; eliminating the trust fund of the Fish and Wildlife Habitat Program; providing for funding of the program from the Land Acquisition Trust Fund; amending s. 372.073, F.S.; providing that the Endangered and Threatened Species Reward Program shall be funded from the Nongame Wildlife Trust Fund; amending s. 372.72, F.S., to conform; amending s. 372.9906, F.S.; providing for deposit of moneys for the Wildlife Law Enforcement Program into the State Game Trust Fund; amending s. 932.7055, F.S., to conform; providing effective dates.

House Amendment 1 (with Title Amendment)—On page 3, line 6 through page 22, line 23, strike all language and insert:

Section 1. (1) The following trust funds and fund accounts are terminated on July 1, 1995, unless another date is set forth herein:

(a) Within the Justice Administration budget entity:

1. Child Support Trust Fund, account number 21 71 2 084001.
2. Child Support Trust Fund, account number 21 71 2 084002.
3. Child Support Trust Fund, account number 21 71 2 084003.
4. Child Support Trust Fund, account number 21 71 2 084004.
5. Child Support Trust Fund, account number 21 71 2 084005.
6. Child Support Trust Fund, account number 21 71 2 084006.
7. Child Support Trust Fund, account number 21 71 2 084007.
8. Child Support Trust Fund, account number 21 71 2 084009.
9. Child Support Trust Fund, account number 21 71 2 084010.
10. Child Support Trust Fund, account number 21 71 2 084012.
11. Child Support Trust Fund, account number 21 71 2 084013.
12. Child Support Trust Fund, account number 21 71 2 084014.
13. Child Support Trust Fund, account number 21 71 2 084015.
14. Child Support Trust Fund, account number 21 71 2 084016.
15. Child Support Trust Fund, account number 21 71 2 084017.
16. Child Support Trust Fund, account number 21 71 2 084018.
17. Child Support Trust Fund, account number 21 71 2 084019.
18. Child Support Trust Fund, account number 21 71 2 084020.
19. Replacement—Judicial Fourth Circuit Court of Appeals Trust Fund, account number 21 30 2 580035.
20. Replacement Trust Fund, fund number 21 2 580.
21. Prosecution Management Information System Trust Fund, fund number 21 2 060.
22. Hurricane Andrew Disaster Relief Trust Fund, fund number 21 2 200.
23. Hurricane Andrew Recovery and Rebuilding Trust Fund, fund number 21 2 205, effective July 1, 1996. All remaining balances shall be deposited in the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs.
24. Judicial—Supreme Court Trust Fund, fund number 21 2 172.
25. Grants and Donations Trust Fund—Public Defender, 15th Judicial Circuit, account number 21 71 2 339023.

26. Grants and Donations Trust Fund—Public Defender, 16th Judicial Circuit, account number 21 71 2 339024.

(b) Within the state courts system:

1. Hurricane Andrew Disaster Relief Trust Fund, fund number 22 2 200.
2. Court Reporter Certification Trust Fund, fund number 22 2 214.
3. Hurricane Andrew Recovery and Rebuilding Trust Fund, fund number 22 2 205. All remaining balances shall be deposited in the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs.
4. Replacement Trust Fund, fund number 22 2 580.
5. Judicial—Block Grant Matching Trust Fund, account number 22 71 2 060007.
6. Court Education Trust Fund, account number 22 71 2 146001.
7. Supreme Court Trust Fund, fund number 22 2 172. However, the termination of this trust fund shall not affect the transfer of the DUI Programs Coordination Trust Fund to the Department of Highway Safety and Motor Vehicles pursuant to chapter 93-246, Laws of Florida.

(c) Within the Department of the Lottery:

1. Replacement Trust Fund, fund number 36 2 580. All remaining balances and revenues shall be deposited in the Lottery Administrative Trust Fund.
2. Hurricane Andrew Disaster Relief Trust Fund, fund number 36 2 200.

(d) Within the Department of Legal Affairs:

1. Unnamed fund, fund number 41 2 344.
2. Hurricane Andrew Recovery and Rebuilding Trust Fund, fund number 41 2 205. All remaining balances shall be deposited in the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs.
3. Convenience Business Security Trust Fund, fund number 41 2 138.
4. Hurricane Andrew Disaster Relief Trust Fund, fund number 41 2 200.
5. Consumer Trust Fund, fund number 41 2 125. All remaining balances and revenues shall be deposited in the Revolving Escrow Trust Fund of the Department of Legal Affairs.

(e) Within the Department of Transportation:

1. Alachua County #83 Project Construction Trust Fund, fund number 55 2 031. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.
2. Seminole County 1988 Project Construction Trust Fund, fund number 55 2 632. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.
3. Dade County 1970 Expressway Project Construction Trust Fund, fund number 55 2 151. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.
4. Sunshine Skyway Bridge Insurance Trust Fund, fund number 55 2 713. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.
5. Mobile Home Relocation Site Acquisition and Development Trust Fund, fund number 55 2 479. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.
6. Administrative Trust Fund—Centralized Mobile Equipment and Warehouse Operation, fund number 55 2 021. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.
7. Florida Turnpike Trust Fund, fund number 55 2 322. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

8. Volusia County Project Construction Trust Fund, fund number 55 2 778. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

9. Replacement—Transportation Trust Fund, fund number 55 2 580. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

10. Hurricane Andrew Disaster Relief Trust Fund, fund number 55 2 200.

11. Division of Construction—Broward County Expressway Trust Fund, fund number 55 2 070. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

12. Working Capital Trust Fund, fund number 55 2 792. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

13. Pasco County 1965 #82 Project Construction Trust Fund, fund number 55 2 524. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

14. Hurricane Andrew Recovery and Rebuilding Trust Fund, fund number 55 2 205. All remaining balances shall be deposited in the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs.

15. Lafayette County 1992 Project Construction Trust Fund, fund number 55 2 421. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

16. Grants and Donations Trust Fund, fund number 55 2 339. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

17. Law Enforcement Trust Fund, fund number 55 2 434. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

18. Public Transit Operation Assistance Grant Trust Fund, fund number 55 2 514. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

19. Solid Waste Management Trust Fund, fund number 55 2 644. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

20. Polk County Project Construction Trust Fund, fund number 55 2 537. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

21. Monroe County #81 Project Construction Trust Fund, fund number 55 2 487. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

22. Skyway Bridge Project Construction Trust Fund, fund number 55 2 645. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

23. State Transportation (Secondary) Trust Fund, fund number 55 2 620. All remaining balances and revenues shall be deposited in the State Transportation Trust Fund.

(f) Within the Department of Military Affairs:

1. Hurricane Andrew Disaster Relief Trust Fund, fund number 62 2 200.

2. Replacement Trust Fund, fund number 62 2 580.

3. Hurricane Andrew Recovery and Rebuilding Trust Fund, fund number 62 2 205. All remaining balances shall be deposited in the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs.

(g) Within the Department of Corrections:

1. Inmate Work Trust Fund, fund number 70 2 388.

2. Replacement Trust Fund, fund number 70 2 580.

3. Electronic Monitoring Recovery Trust Fund, fund number 70 2 187. All remaining balances and revenues shall be deposited in the Grants and Donations Trust Fund of the Department of Corrections.

4. Hurricane Andrew Disaster Relief Trust Fund, fund number 70 2 200.

5. Community Corrections Construction Trust Fund, fund number 70 2 110.

6. Community Corrections Operating Trust Fund, which has no fund number.

7. Community Corrections Assistance Trust Fund, which has no fund number.

8. Correctional Work Program Revolving Trust Fund, which has no fund number.

(h) Within the Department of Law Enforcement:

1. Crimes Against Children Criminal Profiling Trust Fund, fund number 71 2 142.

2. Hurricane Andrew Disaster Relief Trust Fund, fund number 71 2 200.

3. Florida Law Enforcement Academy Trust Fund, fund number 71 2 304. All remaining balances and revenues shall be deposited in the Operating Trust Fund of the Department of Law Enforcement.

4. Criminal Justice Training Improvement Trust Fund, fund number 71 2 152. All remaining balances and revenues shall be deposited in the Criminal Justice Training Trust Fund of the Department of Law Enforcement.

5. Law Enforcement Trust Fund, fund number 71 2 434.

6. Replacement Trust Fund, fund number 71 2 580.

(i) Within the Department of Management Services:

1. Public Facilities Conversion Revolving Trust Fund, fund number 72 2 559.

2. Revenue Proceeds Trust Fund, fund number 72 2 061.

3. Lottery Building Contribution Trust Fund, fund number 72 2 457. All remaining balances and revenues shall be deposited in the Lottery Administrative Trust Fund within the Department of the Lottery.

4. Arbitrage Compliance Trust Fund, fund number 72 2 029.

5. Other Personnel Services Assessment Trust Fund, fund number 72 2 518.

6. Insurance Commissioner's Regulatory Trust Fund, fund number 72 2 393. All remaining balances and revenues shall be deposited in the Insurance Commissioner's Regulatory Trust Fund of the Department of Insurance.

7. State Surplus Property Working Capital Trust Fund, fund number 72 2 684.

8. Supplemental Contracts Trust Fund, fund number 72 2 697. All remaining balances and revenues shall be deposited in the Architects Incidental Trust Fund.

9. Communications Survey Trust Fund, fund number 72 2 102. All remaining balances and revenues shall be deposited in the Communications Working Capital Trust Fund.

10. Professional Regulation Trust Fund, fund number 72 2 547. All remaining balances and revenues shall be deposited in the Professional Regulation Trust Fund within the Department of Business and Professional Regulation.

11. Revenue Bond Fee Revolving Trust Fund, fund number 72 2 585.

12. Replacement Trust Fund, fund number 72 2 580. All remaining balances and revenues shall be deposited in the Supervision Trust Fund.

13. Recyclable Materials Trust Fund, fund number 72 2 575. All remaining balances and revenues shall be deposited in the Grants and Donations Trust Fund.

14. Hurricane Andrew Disaster Relief Trust Fund, fund number 72 2 200.

15. Veterans Affairs Design and Construction Trust Fund, fund number 72 2 771.

16. Paid Parking Trust Fund, fund number 72 2 541. All remaining balances and revenues shall be deposited in the Supervision Trust Fund.

17. Hospital Insurance Tax Clearing Trust Fund, fund number 72 2 370.

(j) Within the Department of Highway Safety and Motor Vehicles:

1. Hurricane Andrew Disaster Relief Trust Fund, fund number 76 2 200.

2. Highway Patrol—Training Trust Fund, fund number 76 2 724. All remaining balances and revenues shall be deposited in the Operating Trust Fund.

3. Special Fuel and Motor Fuel Use Tax Clearing Trust Fund, fund number 76 2 650. All remaining balances and revenues shall be deposited in the Gas Tax Collection Trust Fund.

4. Reimbursement Trust Fund, fund number 76 2 576. All remaining balances and revenues shall be deposited in the Operating Trust Fund.

5. Replacement—Highway Safety Trust Fund, fund number 76 2 580. All remaining balances and revenues shall be deposited in the Operating Trust Fund.

6. Revolving Trust Fund, fund number 76 2 600. All remaining balances and revenues shall be deposited in the Operating Trust Fund.

(k) Within the Game and Fresh Water Fish Commission:

1. Grants and Donations Trust Fund, fund number 77 2 339. All remaining balances and revenues shall be deposited in the State Game Trust Fund.

2. Fish and Wildlife Habitat Trust Fund, fund number 77 2 286. All remaining balances and revenues shall be deposited in the Land Acquisition Trust Fund.

3. Endangered and Threatened Species Reward Trust Fund, fund number 77 2 196. All remaining balances and revenues shall be deposited in the Nongame Wildlife Trust Fund.

4. Hurricane Andrew Disaster Relief Trust Fund, fund number 77 2 200.

5. Replacement—Game Commission Trust Fund, fund number 77 2 580. All remaining balances and revenues shall be deposited in the State Game Trust Fund.

6. Wildlife Law Enforcement Trust Fund, fund number 77 2 790. All remaining balances and revenues shall be deposited in the State Game Trust Fund.

7. Law Enforcement Trust Fund, fund number 77 2 434. All remaining balances and revenues shall be deposited in the State Game Trust Fund.

(l) Within the Parole Commission:

1. Grants and Donations Trust Fund, fund number 78 2 339.

(2) Unless otherwise provided, all current balances remaining in, and all revenues of, the trust funds terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund terminated by this act, the agency or branch that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable and the Comptroller shall close out and remove the trust fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Subsection (2) of section 812.175, Florida Statutes, is amended to read:

812.175 Enforcement; civil fine; ~~Convenience Business Security Trust Fund.~~—

(2) ~~There is established in the Department of Legal Affairs a trust fund to be known as the Convenience Business Security Trust Fund. Moneys deposited therein shall be used by the Attorney General to administer and enforce the provisions of this section and ss. 812.173 and 812.174. Moneys received by the Attorney General pursuant to this act shall be deposited in the General Revenue Fund into the trust fund.~~

Section 3. Subsection (5) of section 946.40, Florida Statutes, as amended by chapter 92-142, Laws of Florida, is hereby repealed.

Section 4. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.—

(2) Any person being electronically monitored by the department as a result of placement on community control shall be required to pay a \$1 per day surcharge in addition to the cost of supervision fee as directed by the sentencing court. The surcharge shall be deposited in the ~~Grants and Donations Electronic Monitoring Recovery~~ Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

Section 5. Subsection (10) of section 950.002, Florida Statutes, and subsection (11) of said section, as created by chapter 92-310, Laws of Florida, are hereby repealed.

Section 6. Paragraph (a) of subsection (4) and subsection (8) of section 948.51, Florida Statutes, are amended to read:

948.51 Community corrections assistance to counties.—

(4) PURPOSES OF COMMUNITY CORRECTIONS FUNDS.—

(a) The Secretary of the ~~Department of Corrections~~ may contract for the issuance of community corrections assistance funds, *as appropriated by the Legislature*, ~~from the Community Corrections Trust Fund established within the department~~ to an eligible contracting county for the purposes of:

1. Providing community-based corrections programs within county-owned or county-contracted residential probation programs.

2. Providing nonincarcerative diversionary programs for juvenile offenders or adult offenders who would otherwise be housed in a county detention facility, a state juvenile detention facility, or a state correctional institution.

3. Providing community-based drug treatment programs, both outpatient and residential, by licensed providers.

4. Funding costs for the enhancement of programs within county detention facilities.

5. Funding costs for the enhancement of public safety and crime prevention programs.

(8) ~~ALLOCATION OF FUNDS COMMUNITY CORRECTIONS ASSISTANCE TRUST FUND.—There is hereby established in the State Treasury a separate trust fund to be named the Community Corrections Assistance Trust Fund, to be administered by the Department of Corrections for the purpose of providing contract funds to counties for correctional and public safety programs as provided in this section, and all moneys appropriated by the Legislature for this purpose shall be credited to this fund. The department shall allocate the funding for these contracts to counties to the extent authorized in the General Appropriations Act.~~

Section 7. Section 946.508, Florida Statutes, is hereby repealed.

Section 8. Section 946.505, Florida Statutes, is amended to read:

946.505 Reversion upon dissolution of corporation or termination of lease.—

(1) In the event the corporation is dissolved or its lease of any correctional work program expires or is otherwise terminated, all property relating to such correctional work program which ceases to function because of such termination or dissolution, including all funds, buildings, land, furnishings, equipment, and other chattels subsequently purchased or otherwise acquired by the corporation in connection with its continued operation of that program, automatically reverts to full ownership by the department unless the corporation intends to utilize such property in

another correctional work program. Such a reversionary ownership interest of the state in any and all such after-acquired property by the corporation is in furtherance of the goals established in s. 946.502(4), and such a present ownership interest by the state is a continuing and insurable state interest.

(2) *Notwithstanding any provision of subsection (1), the ownership of any permanent enhancements made to facilities or work programs is vested in the department.*

Section 9. Section 943.041, Florida Statutes, is amended to read:

943.041 *Crimes Against Children Criminal Profiling Program Trust Fund.*—There is created the Crimes Against Children Criminal Profiling Program Trust Fund within the department. The program trust fund shall perform be used for investigative, intelligence, research, and training activities related to crimes against children. ~~The moneys placed in the trust fund shall consist of an additional fee on birth certificates as specified in s. 382.025 and any other moneys appropriated by the Legislature or received from the Federal Government or any other public or private source. Such funds shall be expended pursuant to legislative appropriation to the department.~~

Section 10. Subsection (11) of section 382.025, Florida Statutes, is amended to read:

382.025 Certified copies of vital records, birth records, and other records; copies as evidence; searches of records; fees; disposition of fees.—

(11) The fee charged for each request for a certified birth certificate or birth record as issued by the department or by the local registrar shall be subject to a nonrefundable additional fee of \$4, due and payable at the time the request is made. The state and local registrars shall collect the additional fee and deposit it in the appropriate department trust funds. On a quarterly basis, the department shall transfer \$2 of each additional fee collected by the state and local registrars to the *General Revenue Fund Crimes Against Children Criminal Profiling Trust Fund* created in s. 943.041 and \$1.50 to the Child Welfare Training Trust Fund created in s. 402.40. Fifty cents of the fee shall be available for appropriation to the department for administration of this chapter.

Section 11. Subsections (2) and (11) of section 943.25, Florida Statutes, are amended to read:

943.25 Criminal justice trust funds; source of funds; use of funds.—

(2) There are created, within the Department of Law Enforcement, the Administrative Trust Fund for the purpose of providing for the payment of necessary and proper expenses incurred by the operation of the commission and the division *and*; the Criminal Justice Training Trust Fund for the purposes ~~purpose~~ of providing commission-approved criminal justice advanced and specialized training and criminal justice training school enhancements; ~~and the Criminal Justice Training Improvement Trust Fund for the purpose of establishing the provisions of s. 943.17 and developing the specific tests provided under s. 943.12(10). The division shall administer the Administrative Trust Fund. At the direction and with the approval of the commission, the division shall also administer the Criminal Justice Training Trust Fund and the Criminal Justice Training Improvement Trust Fund and shall report the status of the fund both funds at each regularly scheduled commission meeting.~~

(11) *Up to \$250,000 per annum Funds deposited into the Criminal Justice Training Improvement Trust Fund shall consist of funds annually transferred from the Criminal Justice Training Trust Fund and approved by the Legislature.*

(a) ~~Deposits to and expenditures from the Criminal Justice Training Improvement Trust Fund may not exceed \$250,000 per annum. These funds shall be used to develop, validate, update, and maintain test or assessment instruments relating to selection, employment, training, or evaluation of officers, instructors, or courses. Pursuant to s. 943.12(4), (5), and (8), the commission shall adopt those test or assessment instruments which are appropriate and job-related as minimum requirements. Any money remaining in the fund at the end of the fiscal year, less obligations, in excess of \$250,000 shall be deposited in the Additional Court Cost Clearing Trust Fund.~~

(b) ~~The Criminal Justice Training Improvement Trust Fund may receive funds from any other public or private source.~~

~~(e) The commission shall, by rule, establish, supervise, and evaluate the expenditures of the Criminal Justice Training Improvement Trust Fund.~~

Section 12. Paragraph (c) of subsection (4) of section 255.25, Florida Statutes, is hereby repealed.

Section 13. Section 215.655, Florida Statutes, is amended to read:

215.655 Arbitrage Compliance Program Trust Fund, expenditures; schedule of fees.—

(1) ~~There is created an Arbitrage Compliance Program to ensure Trust Fund, which shall be maintained as a separate fund. All expenses of the division which are incident to ensuring compliance with the provisions of federal arbitrage laws shall be paid from such trust fund. Such expenses shall include, but shall not be limited to, salaries of personnel of the division and necessary administrative expenses.~~

(2) The division shall adopt by resolution a schedule of fees and expenses, to be paid by the governmental agency for which services were provided, which may be revised from time to time as conditions warrant, designed so that the Arbitrage Compliance Program Trust Fund will be reimbursed for general administrative expenses of the division as well as direct out-of-pocket expenses.

(3) Fees charged to a governmental agency for services other than those involved in issuing bonds may be collected directly by the division or by the State Board of Administration or other trustee of a bond issue.

Section 14. Subsection (2) of section 273.055, Florida Statutes, is amended to read:

273.055 Disposition of state-owned tangible personal property.—

(2) All moneys received by the division from the disposition of state-owned tangible personal property shall be deposited into the *General Revenue Fund State Surplus Property Working Capital Trust Fund*, which is hereby created, ~~and may be disbursed for the acquisition of exchange and surplus property and for all necessary operating expenditures.~~

Section 15. Subsection (2) of section 159.811, Florida Statutes, as amended by chapter 93-162, Laws of Florida, is hereby repealed.

Section 16. Subsection (3) of section 272.161, Florida Statutes, is amended to read:

272.161 Rental of reserved parking spaces.—

(3) All fees collected by the Department of Management Services under the provisions of this section shall be deposited in the *Supervision Trust Fund Paid Parking Trust Fund*, which is hereby created. The department shall account for the revenues and expenditures related to the paid parking program in compliance with the provisions of s. 215.32(2)(b). The revenues collected from parking fees shall be used for the maintenance, minor construction, enforcement, security, and administration of parking facilities and programs.

Section 17. Section 372.074, Florida Statutes, is amended to read:

372.074 Fish and Wildlife Habitat Program Trust Fund.—

(1)(a) There is established within the Game and Fresh Water Fish Commission the Fish and Wildlife Habitat Program Trust Fund for the purpose of acquiring and managing lands important to the conservation of fish and wildlife.

(b) Title to all lands acquired pursuant to this section shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. The Game and Fresh Water Fish Commission or its designee shall manage such lands for the primary purpose of maintaining and enhancing their habitat value for fish and wildlife. Other uses may be allowed that are not contrary to this purpose.

(c) Land acquisition pursuant to this section shall be voluntary, negotiated acquisition and is subject to the acquisition procedures of s. 253.025.

(d) Acquisition costs ~~payable from the fund~~ shall include purchase prices and costs and fees associated with title work, surveys, and appraisals required to complete an acquisition.

(2) Moneys which may be deposited into the *Land Acquisition Trust Fund for the purposes of this section* may include, but not be limited to, donations, grants, development-of-regional-impact wildlife mitigation contributions, or legislative appropriations.

Section 18. Section 372.073, Florida Statutes, is amended to read:

372.073 Endangered and Threatened Species Reward Program Trust Fund.—

(1) There is established within the Game and Fresh Water Fish Commission the Endangered and Threatened Species Reward Program, ~~to be funded from the Nongame Wildlife Trust Fund to be used exclusively for the purposes of this section.~~ The commission may post fund shall be for the primary purpose of posting rewards to persons responsible for providing information leading to the arrest and conviction of persons illegally killing or wounding or wrongfully possessing any of the endangered and threatened species listed on the official Florida list of such species maintained by the commission or the arrest and conviction of persons who violate s. 372.667 or s. 372.671. ~~The fund shall be credited with money collected pursuant to s. 372.72(2).~~ Additional funds may be provided by donations from interested individuals and organizations ~~and from legislative appropriations.~~ The reward program is to be administered by the commission. The commission shall establish a schedule of rewards.

(2) ~~The commission may expend funds~~ ~~Proceeds from the fund shall be expended~~ only for the following purposes:

(a) The payment of rewards to persons, other than law enforcement officers, commission personnel, and members of their immediate families, for information as specified in subsection (1); or

(b) The promotion of public recognition and awareness of the Endangered and Threatened Species Reward Program.

Section 19. Subsection (2) of section 372.72, Florida Statutes, is amended to read:

372.72 Disposition of fines, penalties, and forfeitures.—

(2) All moneys collected from fines, penalties, or forfeitures of bail of persons convicted of violations of rules, regulations, or orders of the Game and Fresh Water Fish Commission concerning endangered or threatened species or of violation of s. 372.662, s. 372.663, s. 372.667, or s. 372.671 shall be deposited in the *Nongame Wildlife Endangered and Threatened Species Reward Trust Fund*.

Section 20. Section 372.9906, Florida Statutes, is amended to read:

372.9906 Wildlife Law Enforcement Program Trust Fund; creation; purposes.—There is established within the Game and Fresh Water Fish Commission the Wildlife Law Enforcement Program Trust Fund ~~to provide moneys for the law enforcement activities of the commission.~~ ~~The commission may~~ Moneys from the fund may be used to establish and operate law enforcement programs that relate to the conservation, enhancement, and regulation of wildlife and freshwater aquatic resources of the state and to conduct programs to educate the public about the enforcement of laws and regulations relating to the wildlife and freshwater aquatic resources of the state. Moneys that accrue to the program fund by law and moneys donated to the program fund must be deposited into the *State Game Trust Fund*.

Section 21. Paragraph (e) of subsection (5) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.—

(5) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(e) The Game and Fresh Water Fish Commission, the proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act shall be deposited into the *State Game Wildlife Law Enforcement Trust Fund*.

Section 22. Except as otherwise provided herein, this act shall take effect July 1, 1995.

And the title is amended as follows:

In title, on page 1, line 2 through page 3, line 2, strike all language and insert: An act relating to trust funds; terminating specified trust funds within the Justice Administration budget entity, the state courts system, various state departments, and the Game and Fresh Water Fish Commission; providing for transfer of current balances to general revenue; providing for the paying of outstanding debts and obligations of the terminated trust funds and for the removal of the terminated trust funds from the various state accounting systems; amending s. 812.175, F.S.; eliminating the Convenience Business Security Trust Fund and providing for deposit of moneys received under the Convenience Business Security Act into general revenue; repealing s. 946.40(5), F.S., relating to funding of the Inmate Work Program; amending s. 948.09, F.S.; providing for deposit of the proceeds of the surcharge for electronic monitoring of persons placed on community control into the Grants and Donations Trust Fund; repealing s. 950.002(10) and (11), F.S., relating to the Community Corrections Construction Trust Fund and the Community Corrections Operating Trust Fund; amending s. 948.51, F.S.; eliminating the Community Corrections Assistance Trust Fund; repealing s. 946.508, F.S., relating to the Correctional Work Program Revolving Trust Fund; amending s. 946.505, F.S.; vesting ownership of permanent facility or program enhancements to any correctional work program in the Department of Corrections; amending s. 943.041, F.S.; eliminating the trust fund of the Crimes Against Children Criminal Profiling Program; amending s. 382.025, F.S., to conform; providing for deposit of certain moneys into general revenue rather than the trust fund; amending s. 943.25, F.S.; eliminating the Criminal Justice Training Improvement Trust Fund; repealing s. 255.25(4)(c), F.S., relating to the Public Facilities Conversion Revolving Trust Fund; amending s. 215.655, F.S.; eliminating the trust fund of the Arbitrage Compliance Program; amending s. 273.055, F.S.; eliminating the State Surplus Property Working Capital Trust Fund and providing for deposit of certain moneys relating to disposition of state-owned tangible personal property into general revenue; repealing s. 159.811(2), F.S., relating to the Revenue Bond Fee Revolving Trust Fund; amending s. 272.161, F.S.; providing for deposit of certain parking-related fees collected by the Department of Management Services into the Supervision Trust Fund rather than the Paid Parking Trust Fund; amending s. 372.074, F.S.; eliminating the trust fund of the Fish and Wildlife Habitat Program; providing for funding of the program from the Land Acquisition Trust Fund; amending s. 372.073, F.S.; providing that the Endangered and Threatened Species Reward Program shall be funded from the Nongame Wildlife Trust Fund; amending s. 372.72, F.S., to conform; amending s. 372.9906, F.S.; providing for deposit of moneys for the Wildlife Law Enforcement Program into the State Game Trust Fund; amending s. 932.7055, F.S., to conform; providing effective dates.

On motion by Senator Jenne, the Senate concurred in the House amendment.

SB 700 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 824 by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 824—A bill to be entitled An act relating to the re-creation of the Grants and Donations Trust Fund of the Justice Administration Commission without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 10 through page 2, line 4, strike all of said lines and insert:

WHEREAS, the Legislature wishes to extend the life of the Grants and Donations Trust Fund, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Grants and Donations Trust Fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Grants and Donations Trust Fund sets adequate parameters for its use, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Grants and Donations Trust Fund within the justice administration budget entities, which was approved by the Administration Commission pursuant to its prior authority under section 215.32, Florida Statutes, and which is to be terminated pursuant to section 19(f), Article III of the State Constitution on November 4, 1996, is hereby re-created.

Section 2. All current balances of the Grants and Donations Trust Fund are hereby carried forward and all current sources and uses of the trust fund are hereby continued.

Section 3. This act shall take effect November 4, 1996.

And the title is amended as follows:

In title, on page 1, line 2 through page 1, line 8, strike all of said lines and insert: An act relating to the re-creation of the Grants and Donations Trust Fund without modification; re-creating the Grants and Donations Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

On motion by Senator Jenne, the Senate concurred in the House amendment.

SB 824 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 872 by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 872—A bill to be entitled An act relating to the re-creation of the State Attorney's Forfeiture and Investigative Support Trust Fund of the State Attorney for the First Judicial Circuit without modification; re-creating the State Attorney's Forfeiture and Investigative Support Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 12 through page 2, line 9, strike all of said lines and insert:

WHEREAS, the Legislature wishes to extend the life of the State Attorney's Forfeiture and Investigative Support Trust Fund, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the State Attorney's Forfeiture and Investigative Support Trust Fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the State Attorney's Forfeiture and Investigative Support Trust Fund sets adequate parameters for its use, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The State Attorney's Forfeiture and Investigative Support Trust Fund within the justice administration budget entities, which was created by section 27.3451, Florida Statutes, and which is to be terminated pursuant to section 19(f), Article III of the State Constitution on November 4, 1996, is hereby re-created.

Section 2. All current balances of the State Attorney's Forfeiture and Investigative Support Trust Fund are hereby carried forward and all current sources and uses of the trust fund are hereby continued.

Section 3. This act shall take effect November 4, 1996.

And the title is amended as follows:

In title, on page 1, strike lines 2-10 and insert: An act relating to the re-creation of the State Attorney's Forfeiture and Investigative Support Trust Fund without modification; re-creating the State Attorney's Forfeiture and Investigative Support Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

On motion by Senator Jenne, the Senate concurred in the House amendment.

SB 872 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 912 by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 912—A bill to be entitled An act relating to the re-creation of the Consumer Frauds Trust Fund of the State Attorney for the First Judicial Circuit without modification; re-creating the Consumer Frauds Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 10 through page 2, line 2, strike all of said lines and insert:

WHEREAS, the Legislature wishes to extend the life of the Consumer Frauds Trust Fund, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the Consumer Frauds Trust Fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the Consumer Frauds Trust Fund sets adequate parameters for its use, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Consumer Frauds Trust Fund within the justice administration budget entities, which was created by section 501.2101, Florida Statutes, and which is to be terminated pursuant to section 19(f), Article III of the State Constitution on November 4, 1996, is hereby re-created.

Section 2. All current balances of the Consumer Frauds Trust Fund are hereby carried forward and all current sources and uses of the trust fund are hereby continued.

Section 3. This act shall take effect November 4, 1996.

And the title is amended as follows:

In title, on page 1, strike lines 2-8 and insert: An act relating to the re-creation of the Consumer Frauds Trust Fund without modification; re-creating the Consumer Frauds Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

On motion by Senator Jenne, the Senate concurred in the House amendment.

SB 912 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 954 by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 954—A bill to be entitled An act relating to the re-creation of the State Attorney RICO Trust Fund of the State Attorney for the First Judicial Circuit without modification; re-creating the State Attorney RICO Trust Fund; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 10 through page 2, line 4, strike all of said lines and insert:

WHEREAS, the Legislature wishes to extend the life of the State Attorney RICO Trust Fund, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the State Attorney RICO Trust Fund before its scheduled termination date and has found that it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the State Attorney RICO Trust Fund sets adequate parameters for its use, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The State Attorney RICO Trust Fund within the justice administration budget entities, which was created by section 27.345, Florida Statutes, and which is to be terminated pursuant to section 19(f), Article III of the State Constitution on November 4, 1996, is hereby re-created.

Section 2. All current balances of the State Attorney RICO Trust Fund are hereby carried forward and all current sources and uses of the trust fund are hereby continued.

Section 3. This act shall take effect November 4, 1996.

And the title is amended as follows:

In title, on page 1, strike lines 2-8 and insert: An act relating to the re-creation of the State Attorney RICO Trust Fund without modification; re-creating the State Attorney RICO Trust Fund; carrying forward current balances and continuing current sources and uses; providing an effective date.

On motion by Senator Jenne, the Senate concurred in the House amendment.

SB 954 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for CS for SB 1018 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 1018—A bill to be entitled An act relating to education; creating s. 288.0475, F.S.; creating the Jobs and Education Partnership within Enterprise Florida; providing for membership; providing for a board of directors; providing powers and authority of the board; providing for authorized programs; providing for an annual report; providing for audits; amending s. 288.901, F.S.; providing for financial disclosure; creating s. 239.249, F.S.; creating a voluntary, market-driven, performance-based incentive funding program for postsecondary adult vocational and postsecondary vocational education programs provided by public school districts and community colleges; providing for administra-

tion of the program; providing requirements for participation and criteria for incentive awards and grants; regulating fund sources for incentive awards and grants; amending s. 239.225, F.S.; creating the Vocational Equipment Challenge Grant Program; providing requirements for participation; amending s. 239.105, F.S.; revising the definition of "supplemental vocational" education; directing the Department of Education to review certain programs; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 31, strike everything after the enacting clause and insert:

Section 1. Section 288.0475, Florida Statutes, is created to read:

288.0475 Enterprise Florida Jobs and Education Partnership.—

(1) The Legislature finds that the growth and competitive strength of Florida's economy depend upon the state's ability to attract and support industries that add to the value of the state's social capital as well as to its economic capital. It is crucial to the retention and growth of these high-value-added industries to assure that skilled human resources are adequate in quality and quantity. The Legislature intends to adopt a uniform policy to guide education, training, and employment programs, so that the combined efforts of all the programs accomplish the following objectives:

(a) Provide for a skilled workforce to enable Florida to compete in a global economy.

(b) Respond to changes in technology and to emerging industries.

(c) Promote the development of market-driven programs through a planning and funding system based upon products of the Occupational Forecasting Conference created in s. 216.136.

(d) Base evaluations of program success on student and participant outcomes rather than processes.

(e) Coordinate state, federal, local, and private funds for maximum impact.

(f) Encourage the participation, education, and training of members of populations selected by state or federal policy to receive additional resources, guidance, or services. The selected populations must include people with disabilities or economic disadvantages, especially those who are eligible for public assistance or are dislocated workers.

(2) There is created a body politic and corporate known as the Enterprise Florida Jobs and Education Partnership. The purpose of the Jobs and Education Partnership is to create a Florida economy characterized by better employment opportunities leading to higher wages by creating and maintaining a highly skilled workforce that responds to the rapidly changing technology and diversified market opportunities critical to this mission.

(3) The Enterprise Florida Jobs and Education Partnership is to be a not-for-profit corporation pursuant to chapter 617. The articles of incorporation and bylaws establishing the Enterprise Florida Jobs and Education Partnership must be submitted to Enterprise Florida, Inc., and the Department of Commerce for review and approval prior to filing.

(4) Enterprise Florida Jobs and Education Partnership is to be governed by a board of directors. The board of directors is to consist of the following members:

(a) The Lieutenant Governor or the Lieutenant Governor's designee.

(b) The Commissioner of Education or the commissioner's designee.

(c) A member of the Senate, to be appointed by the President of the Senate and serve at the pleasure of the President.

(d) A member of the House of Representatives, to be appointed by the Speaker of the House of Representatives and serve at the pleasure of the Speaker.

(e) Members from the public and private sectors, with the majority from the private sector, to be appointed by the Governor, subject to Senate confirmation. These members must be selected from the highest ranking officials in manufacturing and other industries critical to the state's economic base, as well as state agencies, departments, and organizations that have a direct impact on the training and education of workers in the state. The members from the public sector must also include an occupational dean of a community college and a school district voca-

tional director with responsibility for postsecondary programs. The members from the private sector must include a private business representative from a private industry council and a representative of organized labor.

(f) Private-sector members appointed by the Governor must be appointed for 4-year, staggered terms. Public-sector members appointed by the Governor shall serve at the pleasure of the Governor.

(5)(a) Enterprise Florida, Inc., shall assist the Governor in the appointment of the initial members by providing a list of at least 18 nominees for membership in the partnership. For subsequent appointments, the chairman of the Jobs and Education Partnership and the vice chair of Enterprise Florida, Inc., shall provide at least one nominee for each vacancy. The nominees must be selected within 90 days after a vacancy occurs, and the Governor must make the appointments within 30 days after receiving the nominations. Appointees must be representative of all geographic regions of the state, including both urban and rural regions. The importance of minority and gender representation must be considered when making nominations for each position on the board of directors.

(b) The Governor shall appoint the initial members from the public sector and private sector to the board of directors within 30 days after the receipt of the nominations from Enterprise Florida, Inc.

(c) A member may be removed by the Governor for cause. Absence from three consecutive meetings results in automatic removal.

(d) The State Job Training Coordinating Council shall appoint an advisory committee, which must include a member of a private industry council. This committee, the Committee of Practitioners established as required by P.L. 101-392, and the Quick-Response Advisory Committee, established by s. 288.047, shall provide the partnership with technical advice, policy consultation, and information about workforce development issues.

(6)(a) The Board of Directors of Jobs and Education Partnership shall be chaired by a board member designated by the Governor.

(b) The board shall appoint the president of the partnership to serve in the capacity of an executive director and secretary of the board. The president shall hire additional staff within the parameters established by the partnership in its bylaws.

(c) The board may establish an executive committee consisting of its chair, the secretary of the board, and not more than three additional board members selected by the chair. The executive committee shall have such authority as the board delegates to it, except that the board may not delegate to the executive committee the authority to take actions requiring the approval by a majority of the board as provided in paragraph (f).

(d) The board shall meet at least quarterly and at other times upon call of its chair.

(e) A majority of the total current membership of the board of the partnership comprises a quorum of the board.

(f) A majority of those voting is required to organize and conduct the business of the partnership, except that a majority of the entire board is required to hire or fire the president or to adopt or amend the operational plan.

(g) Except as delegated or authorized by the board, individual board members have no authority to control or direct the operations of the partnership or the actions of its officers and employees, including the president.

(h) Members of the board shall serve without compensation, but members, the president, and all employees of the partnership may be reimbursed for per diem and travel expenses in accordance with s. 112.061. The president and all employees of the partnership are exempt from the provisions of part II of chapter 110, but the president is subject to the provisions of part IV of chapter 110.

(7) The Jobs and Education Partnership board shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes of this section, as well as the functions, duties, and responsibilities of the partnership, including, but not limited to, the following:

(a) Assisting in the formulation and coordination of the state's economic policy regarding workforce development critical to achieve the purposes of the partnership, as stated in this section.

(b) Adopting an official seal.

(c) Hiring the president and employees of the partnership.

(d) Assisting in developing the state's strategic workforce development plan and subsequent implementation plans as part of the strategic economic development plan of Enterprise Florida, Inc.

(e) Assisting in the state's workforce development strategic planning process.

(f) Evaluating the performance and effectiveness of Florida's workforce development programs.

(g) Reporting to the board of directors of Enterprise Florida, Inc., regarding its functions, duties, and responsibilities.

(h) Soliciting, borrowing, accepting, receiving, investing, and expending funds from any public or private source.

(i) Contracting with public and private entities as necessary to further the directives of this section.

(j) Approving an annual budget.

(k) Carrying forward any unexpended state appropriations into succeeding fiscal years.

(l) Providing an annual report to Enterprise Florida, Inc., the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(8) The Jobs and Education Partnership may take any action that it deems necessary to achieve the purposes of this section in partnership with private enterprises, public agencies, and other organizations. The partnership shall advise and make recommendations to the Board of Directors of Enterprise Florida, Inc., the State Board of Education, and the Legislature concerning action needed to bring about the following benefits to the state's social and economic resources:

(a) A state employment, education, and training policy that ensures that programs to prepare workers are responsive to present and future business and industry needs and complement the initiatives of the Capital Partnership and Innovation Partnership of Enterprise Florida.

(b) A funding system that provides incentives to improve the outcomes of postsecondary vocational and postsecondary adult vocational education programs and that focuses resources on occupations related to new or emerging industries that add greatly to the value of the state's economy.

(c) A comprehensive approach to the education and training of target populations such as those who have disabilities, are economically disadvantaged, receive public assistance, are not proficient in English, or are dislocated workers. This approach should ensure the effective use of federal, state, local, and private resources in reducing the need for public assistance.

(d) The designation of Institutes of Applied Technology composed of postsecondary institutions working together to ensure that technical and postsecondary vocational and postsecondary adult vocational education programs use the most advanced technology and instructional methods available and respond to the changing needs of business and industry.

(e) A system to project and evaluate labor-market supply and demand using the results of the Occupational Forecasting Conference created in s. 216.136 and the vocational education performance standards identified in s. 239.233.

(f) A review of the performance of public programs that are responsible for economic development, education, employment, and training. The review must include an analysis of the return on investment of these programs. The partnership shall specifically consider whether restructuring the Department of Labor and Employment Security and the Department of Commerce would better serve the state's labor force. An interagency workgroup shall assist the partnership in its deliberations concerning restructuring. The workgroup must include representatives of the Senate, the House of Representatives, the Executive Office of the Governor, the Department of Labor and Employment Security, the Department of

Education, the Department of Commerce, the Department of Health and Rehabilitative Services, the Department of Elderly Affairs, and the Department of Community Affairs, with the advice of major business associations and labor organizations.

(9) By December 1 of each year, the partnership shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a complete and detailed report setting forth:

- (a) The evaluation required in subsection (10).
- (b) The operations and accomplishments of the partnership including the programs or entities listed in subsection (8).
- (c) Its assets and liabilities at the end of its most recent fiscal year.

(10)(a) By September 1, 1994, the partnership in cooperation with the Auditor General shall develop research designs, including goals and measurable objectives for the Jobs and Education Partnership, which will provide the Legislature with a quantitative evaluation of the partnership. The partnership must use the monitoring mechanisms and reports developed in the designs and provide these reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General.

(b) Before the 1996 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of the partnership using the research designs developed under paragraph (a). The report must critique the partnership. A report of the findings and recommendations of the Auditor General must be submitted to the President of the Senate and the Speaker of the House of Representatives before the 1996 Regular Session.

(c) The Auditor General may, pursuant to his own authority or at the direction of the Joint Legislative Auditing Committee, conduct an audit of the partnership or the programs or entities created by the partnership.

Section 2. Subsection (10) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.—

(10) Each member of the Board of Directors of Enterprise Florida, Inc., *who was appointed after June 30, 1992 and who is not otherwise required to file financial disclosure pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 do so*, shall file disclosure of financial interests pursuant to s. 112.3145 ~~full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution.~~

Section 3. Section 239.249, Florida Statutes, is created to read:

239.249 Voluntary, market-driven, performance-based incentive funding for vocational education programs.—

(1) The Legislature finds that education to prepare adults to enter specific occupations most benefits the state when the programs respond to the needs of business and industry, encourage economic development, improve the self-sufficiency of people who might otherwise require public assistance, or significantly increase the earning potential of state residents. It is the intent of the Legislature that funding methodologies be available to provide incentive awards to area vocational-technical centers and community colleges for meeting these goals. It is further the intent of the Legislature to direct and redirect funding to better prepare people to enter occupations that benefit robust new and emerging industries, and to increase the numbers of at-risk people who benefit from the programs.

(2) The Jobs and Education Partnership shall provide oversight and advice to improve the outcomes of postsecondary vocational and postsecondary adult vocational education provided by public school districts and community colleges. Annually, the partnership shall make recommendations to the State Board of Education and the Legislature regarding grant programs and funding incentives designed to improve vocational education programs.

(3) In any year in which the Legislature designates funds for performance-based incentive funding for vocational education programs provided by school districts or community colleges, the Division of Vocational, Adult, and Community Education and the Division of Community Col-

leges shall provide the Jobs and Education Partnership with recommended formulae, criteria, timeframes, and mechanisms for distributing funds. The partnership shall adopt a formula and advise the Division of Community Colleges and the Division of Vocational, Adult, and Community Education of the expected incentive award earnings of participating school districts or colleges. The partnership shall base these calculations on formulae that would provide incentive awards or grants for:

(a) Programs that prepare people to enter high-wage occupations identified by the Occupational Forecasting Conference created by s. 216.136 and other programs as approved by the Jobs and Education Partnership. Local school district superintendents, community college presidents, and private industry councils shall receive the Occupational Forecasting Conference results for their respective geographic areas to assess local applicability. At a minimum, performance incentives shall be calculated for people who complete programs that lead to specified high-wage employment and their placement in that employment. Until July 1, 1995, leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3 percent annual increase in productivity beginning in 1995-1996.

(b) Programs that successfully prepare people who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for high-wage occupations. At a minimum, performance incentives shall be calculated for the enrollment of people identified in this paragraph, completion of such people, and placement of such people upon program completion. Until July 1, 1995, leavers with marketable skills may also be calculated for the purposes of this paragraph. Baseline information for these calculations shall be based upon institutional information compiled by the Florida Education and Training Placement Information Program for the 1992-1993 school year. The baseline information calculated for the purposes of this paragraph shall be adjusted for a 3 percent annual increase in productivity beginning in 1995-1996.

(c) Programs identified by the Jobs and Education Partnership as increasing the effectiveness and cost-efficiency of education.

(4) The Legislature shall specify annually in the General Appropriations Act the percentage that is set aside from the Florida Education Finance Program and Community College Program Fund, respectively, for the purpose of providing incentive awards. Unless otherwise specified in the General Appropriations Act, the set aside shall be no less than the amount specified in subsection (5). In implementing this section, funds set aside from the Florida Education Finance Program shall not be commingled with funds set aside from the Community College Program Fund.

(5) At least 60 percent of funds designated for performance-based incentive awards for public school district vocational-technical centers must be derived from a source other than the Florida Education Finance Program and 60 percent of funds designated for such awards for community colleges shall be derived from a source other than the Community College Program Fund. Calculations of program cost for appropriations purposes pursuant to s. 236.081 shall not include funds from sources other than the Florida Education Finance Program for the purposes of this section. Funds derived from sources other than the Florida Education Finance Program and Community College Program Fund shall not supplant current revenue levels appropriated through the General Revenue Fund or Educational Enhancement Trust Fund.

(6) If the Legislature appropriates funds for performance incentives from discretionary federal funds authorized in the Job Training Reform Amendments of 1992, Pub. L. No. 102-367, the Legislature and appropriate state and local agencies must ensure that:

(a) The total amount derived from those sources does not exceed \$18 million annually.

(b) Any use of federal job training funds to implement this section does not prevent required formula-generated funds from passing through to local service delivery areas and private industry councils that provide services directly or through community-based organizations. This section must not interfere with federal requirements pertaining to local discretion and control.

(c) Participating community colleges, school districts, and private industry councils must collaborate to ensure that clients eligible under the Job Training Partnership Act receive the following services efficiently and without unwarranted duplication: education, training, intake, assessment, referral, counseling, support, case management, and placement.

(d) The method of accounting for funds must allow expenditures to be identified as Job Training Partnership Act expenditures, and placements to be identified as Job Training Partnership Act placements, when Job Training Partnership Act clients are served by participating school districts or community colleges.

(7) The Department of Education shall award 80 percent of funds derived from the Florida Education Finance Program and the Community College Program Fund and designated for performance-based incentive funding to participating institutions at the beginning of the fiscal year. The award shall be based upon simulations that project the amount of award a program would receive if it maintained the high-performance rate calculated for the previous year. If a program actually earns more than it received based upon the projection of its incentive earnings, the Department of Education must allocate to each participating institution its proportionate share of the remaining funds for that sector. Incentive funds awarded in excess of those set aside through the Florida Education Finance Program and Community College Program Fund shall be awarded at two times the value of those awarded through the set aside. If a participating institution performs at a lower rate than that calculated for the previous year, the Legislature shall deduct the amount of funds allocated for incentive awards from the Florida Education Finance Program or Community College Program Fund from the institution in the subsequent year appropriation.

(8) A school district or community college that earns an incentive award for its performance must use the money to benefit the vocational education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in program improvement. The school board or community college board of trustees may not withhold any portion of the incentive earnings for indirect costs. Funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the school board or community college board of trustees.

(9) A school district or community college may abstain from participation in the market-driven, performance-based incentive funding program. If a district or community college decides to terminate its participation, it must notify the Jobs and Education Partnership three years prior to that termination. This subsection may not be waived.

(10) The Department of Commerce shall administer the funds derived from sources other than the Community College Program Fund and the Florida Education Finance Program and shall distribute funds appropriated to participating colleges and school districts according to a formula adopted annually by the Jobs and Education Partnership. To allow time for documentation of program performance, funds allocated for the incentives must be carried forward to the next fiscal year and must be awarded to school districts and community colleges for their current year's performance, unless federal law requires the funds to revert at the year's end. The formula must provide consistency in giving awards to programs. Programs at a community college must not be held to a different standard from those at a school district, and programs at one school district or community college must not be held to a different standard from those of another.

(11) The Jobs and Education Partnership, upon the joint recommendation of local elected officials, a private industry council, and a participating local education agency, may expand the occupations that are included in the incentive funding program. Occupations so identified must meet needs created by local emergencies or plant closings.

(12) The Jobs and Education Partnership may add occupations to the list of recommendations produced by the Occupational Forecasting Conference if the Quick-Response Advisory Committee recommends them as emerging occupations according to s. 288.047.

(13) The Jobs and Education Partnership shall recommend rules necessary to implement this section to the State Board for Vocational Education.

Section 4. Present subsection (3) of section 239.225, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

239.225 Vocational Improvement Trust Fund.—

(3)(a) There shall be established within the Vocational Improvement Trust Fund the Vocational Equipment Challenge Grant Program. Through such program, any school district or community college that collects 50 percent of the cost of equipment from private fund sources and contributes 25 percent of the cost from local fund sources may request a state matching grant for the remaining 25 percent of the cost of equipment. The Legislature shall designate funds to be transferred to the trust fund for the purposes of this subsection. Interest income accruing to that portion of the trust fund not allocated shall increase the total funds available for the grants.

(b) Prior to July 1, 1995, moneys appropriated to the trust fund for the purposes of this subsection shall be set aside in equal portions for school districts and community colleges that conduct postsecondary adult vocational or postsecondary vocational instruction. Any center that exceeds its allocation shall be eligible to receive additional grants for matching purposes from moneys remaining in the fund after July 1, 1995. If moneys remaining in the fund after July 1, 1995, are insufficient to provide grants for all matching requests, each institution shall be eligible to receive its proportionate share of the moneys based on the dollar value of its combined private and local contributions for equipment purposes. In implementing this subsection, the Department of Education may establish a minimum and maximum allocation from the trust fund after set aside funds have been allocated.

(c) The State Board for Vocational Education may adopt rules necessary to implement the provisions of this subsection.

Section 5. Subsection (19) of section 239.105, Florida Statutes, is amended to read:

239.105 Definitions.—As used in this chapter, the term:

(19) "Supplemental vocational" means courses conducted to enhance or upgrade the occupation-related skills of a person currently employed in that occupation or a person formerly employed in that occupation who seeks occupational reentry. A student who is employed, but who enrolls in a job-related component of a sequential program of studies may be considered job preparatory, rather than supplemental, if the student may be calculated as an enrollment pursuant to s. 239.233 and if the component or components in which the student enrolls have not been previously taken by that student.

Section 6. The Department of Education shall review current postsecondary adult vocational programs and postsecondary vocational degree programs for the purpose of determining appropriate program length.

Section 7. The Department of Education, the Department of Health and Rehabilitative Services, the State Job Training Coordinating Council, and the Department of Business and Professional Regulation shall develop a plan and implementation schedule for linking information in their automated client or student databases to implement performance based funding, to comply with statutes requiring reports for accountability outcome measures, and to meet statutory requirements for evaluating Project Independence. The plan must include a report of any rules or laws that impede the data sharing and any measures recommended to ensure privacy. By September 1, 1994, the Department of Education shall submit the plan to the President of the Senate and the Speaker of the House of Representatives.

Section 8. Paragraph (c) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. However, the application of cost factors in part-time programs for exceptional students is limited to a maximum of twelve twenty-fifths of a student membership in a given program during a week. Beginning with the 1990-1991 fiscal year, the application of cost factors in part-time programs for exceptional students is limited to a maximum of 432 hours of a student full-time equivalent

membership in a given program during a school year as defined in s. 228.041(16). The criteria for qualification for the special programs, including maximum case loads for part-time programs, shall be determined by rules of the state board. However, the district may apply to the department for an exemption to the maximums set above, and the department may grant such exemptions when district size or program dispersal would place an undue burden on the district. Cost factors for special programs for exceptional students shall be used to fund programs, approved by the department, as provided by law for exceptional students under the minimum age for enrollment in kindergarten. Beginning with the 1993-1994 fiscal year, the Department of Education shall conduct a program cost analysis, pursuant to State Board of Education rule, as part of the program review process. Adult basic and secondary programs must also be addressed in the program cost analysis. The program cost analysis must include, but is not limited to, the cost of direct and indirect operations, instruction, faculty-to-student ratio, consumable supplies, equipment, and optimum program length. *Beginning with the 1995-1996 General Appropriations Act, the Legislature shall assign each secondary career education program and certificate career education program to a program funding level based on programmatic costs derived from the program cost analysis. A minimum of five funding levels shall be established in the General Appropriations Act for the purposes of this paragraph.*

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Special programs for exceptional students.—
 - a. Educable mentally handicapped.
 - b. Trainable mentally handicapped.
 - c. Physically handicapped.
 - d. Physical and occupational therapy part-time.
 - e. Speech, language, and hearing part-time.
 - f. Speech, language, and hearing.
 - g. Visually handicapped part-time.
 - h. Visually handicapped.
 - i. Emotionally handicapped part-time.
 - j. Emotionally handicapped.
 - k. Specific learning disability part-time.
 - l. Specific learning disability.
 - m. Gifted part-time.
 - n. Hospital and homebound part-time.
 - o. Profoundly handicapped.
3. ~~Special~~ Adult general education programs.—
 - a. Adult basic education.
 - b. Adult secondary education.
 - c. Lifelong learning.
4. *Secondary career education* ~~Special vocational-technical~~ programs ~~job preparatory~~.—
 - a. *Level I Agriculture.*
 - b. *Level II Office.*
 - c. *Level III Distributive.*
 - d. *Level IV Diversified.*
 - e. *Level V Health.*
 - f. ~~Public service.~~
 - g. ~~Home economics.~~

h. ~~Industrial.~~

i. ~~Exploratory.~~

5. *Certificate career education and supplemental career education programs* ~~Special vocational-technical adult supplemental~~.—

- a. *Level I Agriculture.*
- b. *Level II Office.*
- c. *Level III Distributive.*
- d. *Level IV Health.*
- e. *Level V Public service.*
- f. ~~Home economics.~~
- g. ~~Industrial.~~

6. Students-at-risk programs.—

- a. Dropout prevention.
- b. Kindergarten through grade 3 ESOL.
- c. Grades 4 through 8 ESOL.
- d. Grades 9 through 12 ESOL.

Section 9. Section 237.36, Florida Statutes, is created to read:

237.36 Indirect costs.—School boards shall assess district indirect costs only for services received by the program or institution against which such cost is assessed. When assigning each specific indirect cost to multiple programs or institutions, school boards shall identify one basis for the assessment of such cost and shall maintain the same basis for assigning such cost to each program or institution.

Section 10. Subsection (3) of section 239.201, Florida Statutes, is amended to read:

239.201 *Career education* ~~Job-related vocational~~ instruction.—

(3) The minimum support from the school district or community college for ~~career vocational~~ education shall be at least in the amount of local, state, and ~~or~~ federal funds that the *career education vocational* programs earn. *Local funds shall include, but not be limited to, millage collected for the purpose of satisfying required local effort and fee revenues generated by students enrolled in certificate career education and supplemental career education courses and programs. From the funds provided pursuant to this subsection, school boards shall expend a minimum of 80 percent on aggregate school costs. Any school board that expends less than 80 percent of the required funds shall have funding withheld from the subsequent appropriation in the same amount as the total underexpenditure; however, in the subsequent year allocation, the school board shall restore the required funds to the previously underfunded programs. The school district or community college shall indicate the expenditure of such funds in an identifiable manner pursuant to rules of the State Board for Career Vocational Education.*

Section 11. Section 239.233, Florida Statutes, is amended to read:

(*Substantial rewording of section. See s. 239.233, F.S., for present text.*)

239.233 Career education reporting requirements.—

(1)(a) The Department of Education shall calculate student completion and placement rates for each certificate and degree career education program conducted within each school district and community college. The department shall initiate a program review for any certificate or degree career education program for which the annual completion rate is lower than 20 percent or the placement rate is lower than 70 percent. Staff of the department and school district or community college shall jointly develop a program review report that includes strategies for improving the program and its corresponding completion or placement rates. For the purposes of this section, "enrollment" is defined as any student who has completed 25 percent of the career education program or demonstrated 25 percent of the competencies required for completion of the program, exclusive of necessary career preparatory instruction. "Program completer" is defined as any student who has demonstrated sufficient academic skills and technical proficiency to be awarded a career education certificate. "Placement" is defined as student employment

after completion of the career education program. Students who enter full-time military service or who continue their education at the postsecondary level shall also be considered placements. Career education program completers may have a maximum of 1 year to obtain employment before such calculation is conducted. School districts and community colleges that conduct certificate or degree career education programs shall report all enrollments and completers for each such program to the Department of Education. The State Board for Career Education shall adopt, by rule, a formula for calculating completion rates and placement rates for certificate and degree career education programs that applies to both school districts and community colleges. School districts and community colleges shall use placement information reported by the Florida Education and Training Placement Information Program pursuant to s. 229.8075 as the basis for placement calculations. Any school district or community college may add placement information collected by personnel of the school district or community college to the placement information reported by the Florida Education and Training Placement Information Program only if the additional placement information is independently verifiable by the department. Additional placement information collected by school districts and community colleges shall not be commingled in the data base maintained by the Florida Education and Training Placement Information Program. The State Board for Career Education shall specify statistically valid, uniform procedures, by rule, that school districts and community colleges may employ for the purpose of providing such supplemental information. At least every 5 years, the Auditor General shall examine a sample of placement information collected by school districts and community colleges.

(b) The department shall conduct annual analyses to compare a sample of the student information reported for funding for certificate and degree career education programs with the career education student enrollment reports. The department shall withhold state funding of a program if the reports differ significantly from the career education student enrollment reports. Such funding shall be withheld until the department determines that the enrollment reports have been completed and are consistent with the funding reports.

(c) The State Board for Career Education shall adopt standards that school boards and community college boards of trustees may use for program planning and evaluation. Such standards shall include, but not be limited, to completion rates, placement rates, and earnings from employment. School boards and community college boards of trustees may also seek information related to the employment and earnings of persons who do not complete programs for the purposes of program revision. Such standards shall enable the institutions and department to compare institutional program effectiveness to the effectiveness of comparable programs statewide. The State Board for Career Education shall also develop statistically valid methods for adjusting such comparisons to account for factors that include, but are not limited to, regional differences in wages and occupational supply and demand.

(d) Any programmatic information reported on student completion and placement and any other reports prepared for the purposes of this section shall comply with any confidentiality requirements of state and federal law. No such information may publicly disclose the identities of such completers or noncompleters and their employers.

(2) Each school district and community college that conducts career education programs shall prepare an annual report that addresses the extent to which it is meeting the standards specified in subsection (1). Such report shall include consumer information published pursuant to s. 239.245. The State Board for Career Education may specify, by rule, additional information that shall be included in the report. The State Board for Career Education shall also prescribe a common format for the annual report. Such report shall be submitted to the department on or before November 15 of each year. The State Board for Career Education shall review each such report on or before December 31. The board may initiate a program review based on information that indicates a need for program improvement.

(3) The department shall compile reports submitted pursuant to this section and produce a statewide annual report that addresses the extent to which school districts and community colleges are meeting the standards specified in subsection (1). The State Board for Career Education may specify, by rule, additional information that shall be included in the report. The State Board for Career Education shall also prescribe a format for the annual report. Such report shall be submitted to the State Board for Career Education, the Speaker of the House of Representatives, and the President of the Senate on or before December 31 of each year.

(4) The Florida Education and Training Placement Information Program is responsible for performing longitudinal analyses related to career education performance. Such analyses shall include, but not be limited to, employment stability, annual earnings, relatedness of employment, and other analyses deemed necessary, informational, or illustrative for the purposes of this section. Staff of the program shall also periodically analyze the status of former students who are not found in the process employed to generate placement information.

(5) The State Board for Career Education may adopt other rules necessary to implement the provisions of this section.

Section 12. Section 239.245, Florida Statutes, is amended to read:

239.245 Public information on ~~career vocational~~ education programs.—

(1) Beginning in the 1994-1995 school year, as a public service, the Department of Education shall disseminate information derived from the ~~vocational student output and outcome~~ reports required by s. 239.233. The department shall ensure that the information disseminated does not name or otherwise identify a student, a former student, or the student's employer.

(2) The dissemination shall be conducted in accordance with the following procedures:

(a) Annually, the Department of Education shall publish the ~~instruction-related~~ placement rates and average quarterly earnings for students who complete enough of each type of ~~certificate career postsecondary vocational~~ education program and ~~degree career postsecondary adult vocational~~ education program to have gained skills adequate to obtain ~~instruction-related employment, as defined in s. 239.233~~. This information must be aggregated to the state level and must be included in any accountability reports. A program that was created or modified so that ~~instruction-related~~ placement rates cannot be calculated must be so identified in such reports.

(b)1. Each school district shall publish, at a minimum, the most recently available ~~instruction-related~~ placement rate for each ~~certificate career job preparatory vocational~~ education program conducted by that school district at the secondary school level and at the ~~degree career postsecondary adult vocational~~ education level. The ~~instruction-related~~ placement rates for the preceding 3 years shall be published, if available; shall be included in each publication that informs the public of the availability of the program; and shall be made available to each school guidance counselor. If a program does not have a ~~an instruction-related~~ placement rate, a publication that lists or describes that program must state that the rate is unavailable.

2. Each community college shall publish, at a minimum, the most recent ~~instruction-related~~ placement rate for each ~~certificate career postsecondary adult vocational~~ education program and for each ~~degree career postsecondary vocational~~ education program in its annual catalog. The ~~instruction-related~~ placement rates for the preceding 3 years shall be published, if available, and shall be included in any publication that informs the public of the availability of the program. If a program does not have a ~~an instruction-related~~ placement rate, the publication that lists or describes that program must state that the rate is unavailable.

3. If a school district or a community college has calculated for a program a ~~an instruction-related~~ placement rate that differs from the rate reported by the department, and if each record of a ~~an instruction-related~~ placement was obtained through a process that was capable of being audited, procedurally sound, and consistent statewide, the district or the community college may use the locally calculated ~~instruction-related~~ placement rate in the report required by this section. However, that rate may not be combined with the rate maintained in the computer files of the Department of Education's Florida Education and Training Placement Information Program.

4. An independent postsecondary vocational, technical, trade, or business school may not publish a placement rate unless the placement rate was determined as provided by this section.

Section 13. Paragraph (a) of subsection (2) and paragraph (b) of subsection (4) of section 20.15, Florida Statutes, are amended to read:

20.15 Department of Education.—There is created a Department of Education.

(2)(a) The following divisions of the Department of Education are established:

1. Division of Blind Services.
2. Division of Community Colleges.
3. Division of Public Schools.
4. Division of Universities.
5. Division of *Applied Technology and Adult Vocational, Adult, and Community Education*.
6. Division of Human Resource Development.

(4) The State Board of Education and the Commissioner of Education:

(b) Shall assign to the Division of *Applied Technology and Adult Vocational, Adult, and Community Education* such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of *career and continuing vocational, adult, and community* education.

Section 14. The Postsecondary Education Planning Commission, in conjunction with the Florida Commission on Education Reform and Accountability, shall examine data that are currently reported by public schools, area vocational-technical centers, community colleges, and state universities. The commission recommendations should serve to reduce unnecessary or duplicative data, provide a means of articulating student data across all public education institutions, and yield useful information for analysis, evaluation, and planning at the state and local levels. The commission shall convey its report and recommendations to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 1995. At a minimum, the report shall include the following:

- (1) A delineation of current reported data elements that identifies the specific requirement by which such data must be reported.
- (2) A delineation of current reported data elements for which no known reporting requirement exists.
- (3) A delineation of current reported data elements that appear to be duplicative.
- (4) A delineation of current reported data elements that appear to conflict with one another.
- (5) An evaluation of the extent to which current reported data elements are meaningful for state and local analysis, evaluation, and planning purposes.
- (6) An evaluation of the feasibility of developing a master student-level database that incorporates all public educational institutions, including identification of the cost of developing such a database.
- (7) An identification of the short-term and long-term costs or cost savings associated with implementation of the commission's recommendations.

Section 15. Chapter 239, Florida Statutes, shall be retitled Technology, Career, and Continuing Education. Within said chapter, part II shall be retitled Technology and Career Education and part III shall be retitled Continuing Education.

Section 16. Statutory Revision shall revise the following terminology wherever it appears in statute: "area vocational-technical center" shall become "area technical center," "postsecondary adult vocational" shall become "certificate career education," "postsecondary vocational" shall become "degree career education," "vocational education" shall become "career education," the Division of Vocational, Adult, and Community Education shall become the Division of Applied Technology and Adult Education, and the State Board for Vocational Education shall become the State Board for Career Education.

Section 17. Notwithstanding the provisions of section 229.592, Florida Statutes, to the contrary, the authorization for the abeyance or waiver of statutes enumerated in subsection (6) of that section shall remain in effect until July 1, 1995.

Section 18. Section 242.3305, Florida Statutes, is created to read:

242.3305 Florida School for the Deaf and the Blind; responsibilities and mission.—

(1) The Florida School for the Deaf and the Blind is a state-supported residential school for hearing-impaired and visually impaired students in preschool through 12th grade. The school is a part of the state system of public education and shall be funded through the Division of Public Schools of the Department of Education. The school shall provide educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students in the state who meet enrollment criteria. Education services may be provided on an outreach basis for sensory-impaired children ages 0 through 5 years and their parents. Graduates of the Florida School for the Deaf and the Blind shall be eligible for the tuition voucher program as provided in s. 240.605.

(2) The mission of the Florida School for the Deaf and the Blind, as a center of excellence, is to provide free appropriate public education for eligible hearing-impaired and visually impaired students of Florida, offer educational opportunities which promote the development of healthy minds and bodies, and provide adult lives of independence and self-sufficiency, meaningful personal, family, and community lives, and useful, productive occupational lives.

(3) The Auditor General shall audit the Florida School for the Deaf and the Blind as provided in chapter 11.

Section 19. Section 242.331, Florida Statutes, is amended to read:

242.331 Florida School for the Deaf and the Blind; board of trustees.—

(1) There is hereby created a Board of Trustees for the Florida School for the Deaf and the Blind of the Department of Education which board shall consist of seven members. Of these seven members, one appointee shall be a blind person, and one appointee shall be a deaf person. Each member shall have been a resident of the state for a period of at least 10 years. Their terms of office shall be 4 years. The appointment of the trustees shall be by the Governor with the confirmation of the Senate. The Governor may remove any member for cause and shall fill all vacancies which occur.

(2) The board of trustees shall elect a chairman annually. The trustees shall be reimbursed for travel expenses as provided in s. 112.061, the accounts of which shall be paid by the Treasurer upon itemized vouchers duly approved by the chairman.

(3) The board of trustees is authorized to adopt such rules as are necessary to operate the Florida School for the Deaf and the Blind. Such rules shall be submitted to the State Board of Education for approval or disapproval. If any rule is not disapproved by the State Board of Education within 60 days of its receipt by the State Board of Education, the rule shall be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of, and under the supervision of and general policies adopted by, the State Board of Education.

(4) The Board of Trustees for the Florida School for the Deaf and the Blind is a body corporate and shall have a corporate seal. Title to any gift, donation, or bequest received by the board of trustees pursuant to subsection (5) shall vest in the board of trustees. Title to all other property and other assets of the Florida School for the Deaf and the Blind shall vest in the State Board of Education, but the board of trustees shall have complete jurisdiction over the management of the school and is invested with full power and authority to appoint a president, faculty, teachers, ~~servants~~, and other employees and remove the same as in its judgment may be best and fix their compensation; to procure professional services, such as medical, mental health, architectural, engineering, and legal services; to determine eligibility of students and procedure for admission; to provide for the students of the school necessary bedding, clothing, food, and medical attendance and such other things as may be proper for the health and comfort of the students without cost to their parents or guardians, except that the board may set tuition and other fees for nonresidents; to provide for the proper keeping of accounts and records and for budgeting of funds; to enter into contracts; to sue and be sued; to secure public liability insurance; and to do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible, the board of trustees taking into consideration the purposes of the establishment.

(5)(a) The Board of Trustees for the Florida School for the Deaf and the Blind is authorized to receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity. However, the board of trustees may not obligate the state to any expenditure or policy that is not specifically authorized by law.

(b) If the bill of sale, will, trust indenture, deed, or other legal conveyance specifies terms and conditions concerning the use of such money or property, the board of trustees shall observe such terms and conditions.

(c) The board of trustees may deposit outside the State Treasury such moneys as are received as gifts, donations, or bequests and may disburse and expend such moneys, upon its own warrant, for the use and benefit of the Florida School for the Deaf and the Blind and its students, as the board of trustees deems to be in the best interest of the school and its students. Such money or property shall not constitute or be considered a part of any legislative appropriation, and such money shall not be used to compensate any person for engaging in lobbying activities before the House of Representatives or Senate or any committee thereof.

(d) The board of trustees may sell or convey by bill of sale, deed, or other legal instrument any property, real or personal, received as a gift, donation, or bequest, upon such terms and conditions as the board of trustees deems to be in the best interest of the school and its students.

(e) The board of trustees may invest such moneys in securities enumerated under s. 215.47, and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.

(6) *The board of trustees shall:*

(a) *Prepare and submit legislative budget requests, including fixed capital outlay requests, in accordance with chapter 216 and s. 235.41.*

(b) *Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel classification and pay plan established in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 110, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.*

(c) *Adopt a master plan which specifies the mission and objectives of the Florida School for the Deaf and the Blind. The plan shall include, but not be limited to, procedures for systematically measuring the school's progress toward meeting its objectives, analyzing changes in the student population, and modifying school programs and services to respond to such changes. The plan shall be for a period of 5 years and shall be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the Speaker of the House of Representatives and the President of the Senate.*

(d) *Seek the advice of the Bureau of Education for Exceptional Students within the Division of Public Schools of the Department of Education.*

(7)(6) The Board of Trustees for the Florida School for the Deaf and the Blind, located in St. Johns County, shall designate a portion of the school as "The Verle Allyn Pope Complex for the Deaf," in tribute to the late Senator Verle Allyn Pope.

Section 20. Section 242.3315, Florida Statutes, is created to read:

242.3315 Student and employee personnel records.—The Board of Trustees for the Florida School for the Deaf and the Blind shall provide for the content and custody of student and employee personnel records. Student records shall be subject to the provisions of s. 228.093. Employee personnel records shall be subject to the provisions of s. 231.291.

Section 21. Subsections (1) and (3) of section 242.332, Florida Statutes, are amended to read:

242.332 Use of out-of-state educational facilities, financing.—

(1) The Board of Trustees for the Florida School for the Deaf and the Blind is hereby authorized to expend funds for the purpose of sending children under the age of 20, who are deaf as well as blind, for which there are no facilities for education in this state, to any school, institution, or other place outside the state providing a qualified program of education

for such children. Such funds may be spent for room, board, tuition, transportation, and other items which are necessarily relevant to the education of such children.

(3) The Florida School for the Deaf and the Blind is hereby authorized to determine if such children should be sent to such out-of-state places, and the Board of Trustees for the Florida School for the Deaf and the Blind is hereby authorized to promulgate such rules and regulations as it deems necessary and proper for carrying out the purposes and intents of this section act.

Section 22. Section 242.337, Florida Statutes, is created to read:

242.337 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.—

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the Division of Public Schools budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

(2) Fixed capital outlay needs of the school shall continue to be requested in the public education capital outlay legislative budget request of the Department of Education.

Section 23. Section 242.339, Florida Statutes, is created to read:

242.339 Budgets for the Florida School for the Deaf and the Blind.—The president of the school shall recommend to the board of trustees a budget of income and expenditures at such time and in such form as the board of trustees may prescribe. The board of trustees shall adopt procedures for the approval of budget amendments.

Section 24. Section 242.341, Florida Statutes, is created to read:

242.341 Florida School for the Deaf and the Blind; board of trustees; management flexibility.—

(1) Notwithstanding the provisions of ss. 216.031, 216.181, and 216.262 to the contrary and pursuant to the provisions of s. 216.351, but subject to any guidelines imposed in the General Appropriations Act, funds for the operation of the Florida School for the Deaf and the Blind shall be requested and appropriated within budget entities, program components, program categories, lump sums, or special categories. Funds appropriated to the Florida School for the Deaf and the Blind for each program category, lump sum, or special category may be transferred to traditional categories for expenditure by the board of trustees of the school. The board of trustees shall develop an annual operating budget that allocates funds by program component and traditional expenditure category.

(2) Notwithstanding the provisions of s. 216.181 and pursuant to the provisions of s. 216.351, but subject to any requirements imposed in the General Appropriations Act, no lump-sum plan is required to implement the special categories, program categories, or lump-sum appropriations. Upon release of the special categories, program categories, or lump-sum appropriations to the board of trustees, the Comptroller, upon the request of the board of trustees, shall transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees shall maintain records to account for the original appropriation.

(3) Notwithstanding the provisions of ss. 216.031, 216.181, 216.251, and 216.262 to the contrary and pursuant to the provisions of s. 216.351, but subject to any requirements imposed in the General Appropriations Act, the board of trustees shall establish the authorized positions and may amend such positions, within the total funds authorized annually in the appropriations act.

Section 25. Section 242.343, Florida Statutes, is created to read:

242.343 Florida School for the Deaf and the Blind campus police.—

(1) The Board of Trustees for the Florida School for the Deaf and the Blind is permitted and empowered to employ police officers for the school, who must be designated Florida School for the Deaf and the Blind campus police.

(2) Each Florida School for the Deaf and the Blind campus police officer is a law enforcement officer of the state and a conservator of the peace who has the authority to arrest, in accordance with the laws of this state, any person for a violation of state law or applicable county or municipal ordinance if that violation occurs on or in any property or facilities of the school. A campus police officer may also arrest a person off campus for a violation committed on campus after a hot pursuit of that person which began on campus. A campus police officer shall have full authority to bear arms in the performance of the officer's duties and carry out a search pursuant to a search warrant on the campus. Florida School for the Deaf and the Blind campus police, upon request of the sheriff or local police authority, may serve subpoenas or other legal process and may make arrests of persons against whom arrest warrants have been issued or against whom charges have been made for violations of federal or state laws or county or municipal ordinances.

(3) The campus police shall promptly deliver all persons arrested and charged with felonies to the sheriff of the county within which the school is located and all persons arrested and charged with misdemeanors to the applicable authority as provided by law, but otherwise to the sheriff of the county in which the school is located.

(4) The campus police must meet the minimum standards established by the Criminal Justice Standards and Training Commission of the Department of Law Enforcement and chapter 943 for law enforcement officers. Each campus police officer must, before entering into the performance of the officer's duties, take the oath of office established by the board of trustees. The board of trustees shall obtain a surety bond on each campus police officer, conditioned upon the officer's faithful performance of the officer's duties, which bond must be in the amount of \$5,000 payable to the Governor. The bond must be obtained from a surety company authorized to do business in this state. The board of trustees shall provide a uniform set of identifying credentials to each campus police officer it employs.

(5) In performance of any of the powers, duties, and functions authorized by law, campus police have the same rights, protections, and immunities afforded other law enforcement officers.

(6) The board of trustees shall adopt rules, including, without limitation, rules for the appointment, employment, and removal of campus police in accordance with the State Career Service System and shall establish in writing a policy manual, that includes, without limitation, procedures for managing routine law enforcement situations and emergency law enforcement situations. The board of trustees shall furnish a copy of the policy manual to each of the campus police officers it employs. A campus police officer appointed by the board of trustees must have completed the training required by the school in the special needs and proper procedures for dealing with students served by the school.

Section 26. Section 242.345, Florida Statutes, is created to read:

242.345 Report of campus crime statistics.—

(1) The school shall prepare an annual report of statistics of crimes committed on its campus and shall submit the report to the board of trustees and the Commissioner of Education. The data for these reports may be taken from the annual report of the Department of Law Enforcement. The board of trustees shall prescribe the form for submission of these reports.

(2) The school shall prepare annually a report of statistics of crimes committed on its campus for the preceding 3 years. The school shall give students and prospective students notice that this report is available upon request.

Section 27. Paragraph (f) is added to subsection (1) of section 228.041, Florida Statutes, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) STATE SYSTEM OF PUBLIC EDUCATION.—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of this state.

(f) *Florida School for the Deaf and the Blind.*—*The Florida School for the Deaf and the Blind is a part of the state system of education.*

Section 28. (1) The Commissioner of Education shall establish a commission to study the delivery of services to the blind by the Division of Blind Services to the Department of Education pursuant to chapter 413, Part I, Florida Statutes, and the requirements of s. 101(a)(36) and s. 105 of the Rehabilitation Act of 1973, as amended.

(2) The commission shall consist of up to thirteen members. The Commissioner of Education shall appoint at least four members who shall be blind persons and three of whom shall be representatives of advocacy groups for the blind or family members of blind persons. The remaining members shall include the chairman of the Advisory Council for the Blind, representatives from the Department of Education; representatives from the Department of Labor, and persons with expertise in the delivery of services to the blind. The President of the Senate and the Speaker of the House of Representatives, after consultation with the respective minority leaders, shall each appoint one member to serve on the commission.

(3) The purpose of the commission is to:

(a) Analyze the state program for delivery of services to the blind; including the permitting and licensing of vending stands and cafeterias operated by blind persons, the provision of library services to the blind, and the provision of rehabilitative and other services to the blind;

(b) Develop recommendations which increase government efficiency and provide more cost effective services, including increased contracting and the consolidation of services;

(c) Determine the organizational structure which would maximize services to the blind permitted under federal law, including the transfer of functions to other executive agencies or the establishment of an independent commission for the blind;

(d) Develop recommendations which privatize services to the blind without diminishing current services or violating federal laws and regulations governing such services;

(4) The commission shall be staffed by the Department of Education. The commission shall submit its report of findings and recommendations to the Governor, Speaker of the House of Representatives, President of the Senate, minority leaders of the Senate and the House of Representatives, the State Board of Education, and the Commissioner of Education by December 31, 1994.

Section 29. Section 231.095, Florida Statutes, is amended to read:

231.095 Teachers assigned teaching duties outside field in which certified.—When a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, the parents or guardians of all students in the class shall be notified in writing of such assignment. Such notification shall be provided in *each school's* the annual report ~~required of school progress~~ pursuant to s. 230.23(18) 229.575.

Section 30. Subsections (1), (2), (3), and (7) of section 231.17, Florida Statutes, are amended to read:

231.17 *Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.*—

(1) REQUIREMENTS.—

(a) *Each person seeking certification pursuant to this chapter shall submit a completed application to the Department of Education and remit the fee required pursuant to s. 231.30.*

(b) Pursuant to the provisions in s. 120.60, the Department of Education shall issue within 90 calendar days of the stamped receipted date of the completed application an *official statement of eligibility for certification* or a certificate covering the ~~appropriate~~ classification, level, and area for which the applicant is deemed qualified.

1. *The statement of eligibility shall be issued to advise the applicant of qualifications that must be completed to qualify for the temporary or professional certificate sought. Each statement of eligibility shall be valid for 2 years from the date of issuance and may be reissued for one additional 2-year period if application is made while the initial statement of eligibility is valid or within 1 year after the initial statement expires.*

2. The department shall issue a temporary certificate to any applicant ~~person~~ who submits satisfactory evidence of possessing the qualifications for such a certificate as prescribed by this chapter ~~herein~~ and by rules of the state board when the department:

a. Receives notification from a district superintendent or the governing authority of a developmental research school, state-supported school, or nonpublic school that the applicant has been issued a valid statement of eligibility by the Department of Education and is employed by the school district or developmental research school, state-supported school, or nonpublic school with an approved professional orientation program;

b. Receives the applicant's fingerprint reports from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 231.1712; and

c. Determines that the applicant is qualified for the certificate. ~~and who pays the required fee, makes application in writing on the form prescribed by the department, and meets the requirements in ss. 231.1711 and 231.1712 and other requirements of law. An applicant shall be permitted to submit official transcripts from institutions of higher education as part of the application.~~

(c) To be deemed qualified for a professional certificate, the ~~Each~~ applicant for certification shall:

1.(a) File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitution of the United States and of the State of Florida;

2.(b) Be at least 18 years of age; ~~and have received~~

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning. The bachelor's or higher degree shall not be required in areas approved in rule by the State Board of Education as nondegree areas. *Each applicant seeking initial certification shall have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.* At least 30 of the total number of semester hours required for the initial secondary certificate area on a professional certificate shall be earned in courses in the field of specialization no more than nine of which shall be earned in a college of education unless the applicant's courses in the specialization field were offered only in the college of education. *The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems;*

4.(e) Meet such academic and professional requirements based on credentials certified by standard institutions of higher learning, including any institutions of higher learning in this state which are accredited by an accrediting association which is a member of the Council on Postsecondary Accreditation, as may be prescribed by the state board;

5.(d) Be competent and capable of performing the duties, functions, and responsibilities of a teacher; ~~and~~

6.(e) Be of good moral character;

7. Demonstrate mastery of the minimum competencies required by subsection (2); and

8. Complete the professional orientation program required by subsection (3).

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

(2) MINIMUM COMPETENCIES.—

(a) Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the ability to follow:

1. ~~The ability to~~ Write in a logical and understandable style with appropriate grammar and sentence structure;

2. ~~The ability to~~ Read, comprehend, and interpret professional and other written material;

3. ~~The ability to~~ Comprehend and work with fundamental mathematical concepts;

4. ~~The ability to~~ Recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;

5. ~~The ability to~~ Recognize signs of alcohol and drug abuse in students and to apply counseling techniques with emphasis on intervention and prevention of future abuse;

6. ~~The ability to~~ Recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made, and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;

7. ~~The ability to~~ Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas;

8. ~~The ability to~~ Recognize and be aware of the instructional needs of exceptional students; ~~and;~~

9. *Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes.*

(b) The state board shall adopt rules which specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. ~~The written examination may be taken by~~ Any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures *may take the written examination* prior to graduation. The examination shall require a candidate to demonstrate the following:

1. Mastery of general knowledge, including the ability to read, write, and compute;

2. Mastery of professional skills *and knowledge of the standards of professional practice*; and

3. Mastery of the subject matter in each area for which certification is being sought.

The state board shall designate the certification areas for which subject area tests shall be developed. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, *and successors to that series*, that meet standards established by the state board. The College Level Academic Skills Test or a similar test approved by the state board shall be used by degree personnel to demonstrate mastery of general knowledge as required in subparagraph 1. *The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the old Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.*

~~(c) Each person seeking initial certification shall have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.~~

~~(c)(d)~~ A person who meets all ~~certification~~ requirements ~~which have been established by law or rule for issuance of a professional certificate, other than the passing of the examination, successfully completing and the successful completion of the first year of the professional orientation program, or completing the completion of professional education courses in which the applicant is deficient, shall may be issued a nonrenewable, 2-year temporary certificate.~~ However, the State Board of Education shall adopt rules to allow for the issuance of:

1. One nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to an individual who holds a bachelor's degree in the area of speech-language impaired to allow for completion of a master's degree program in speech-language impaired, ~~to allow for the issuance of~~

2. One additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant, ~~or to allow a person~~

3. A 1-year extension of the temporary certificate for an applicant who was employed less than 99 days during the first year of teaching ~~to extend the certificate for 1 additional year.~~

4. Two additional 2-year temporary certificates to an applicant who is completing the professional certification requirements for an English or language arts teacher of limited English proficient students.

5. A 1-year extension of the temporary certificate to a foreign educated applicant who is completing professional certification requirements, or to a bilingual curriculum content teacher of limited English proficient students.

The department shall ~~reissue~~ issue, pursuant to this ~~paragraph section~~, a certificate upon the written request of the district school superintendent, the governing authority of a developmental research school, or the governing authority of a state-supported school or nonpublic school with an approved professional orientation program.

(d)(e) The commissioner, with the approval of the state board, may assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(e)(f) The state board shall, by rule, specify the examination scores ~~adopt as a rule a score~~ the achievement of which shall be required for the issuance of a professional certificate and certain temporary certificates. Such rules shall provide an alternative method by which an applicant may demonstrate mastery of general knowledge, including the ability to read, write, or compute, shall define generic subject area competencies, and shall establish uniform evaluation guidelines. The alternative shall:

1. Apply only to an applicant who has successfully completed all prerequisites for issuance of the professional certificate, except passing one specific subtest of the College Level Academic Skills Test, and who has taken and failed to achieve a passing score on that subtest at least four times.

2. Require notification from the superintendent of the employing school district, the governing authority of the employing developmental research school, or the governing authority of the employing state-supported school or nonpublic school with an approved professional orientation program that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest. Such mastery shall be demonstrated through successful experience in the professional application of generic subject area competencies and proficient academic performance in that subject area. The decision of the superintendent or governing authority shall be based on a review of the applicant's official academic transcript and notification from the applicant's principal, a peer teacher, and a district-level supervisor that the applicant has demonstrated successful professional experience in that subject area.

(f)(g) Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors which would result in a passing score.

(g)(h) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers shall be exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The board shall adopt such rules as may be necessary to accomplish this purpose.

(i) ~~The state board shall designate the certification areas for which subject area tests shall be developed.~~

(3) PROFESSIONAL ORIENTATION PROGRAM.—Each school district and developmental research school shall develop and ~~maintain~~ submit to the commissioner for approval a plan for a professional orientation program for beginning teachers, teachers employed in the state for the first time, and teachers whose professional certificates are inactive. A state-supported school or nonpublic school may develop a plan for a professional orientation program and submit it to the commissioner for initial approval.

(a) The professional orientation program is a 3-year program for developing professional skills and competencies. The first year of the program shall be mandatory for beginning teachers and shall offer ~~be a~~ program of individualized mentoring and assistance. The goal of the first year shall be to provide an orientation to professional responsibilities and the training and support activities required to enable the beginning teacher to successfully demonstrate the competencies required by this section. Other professional competencies identified by the State Board of Education or local school board may be required. The program for the first year may include a reduced teaching load. ~~School districts are strongly encouraged to develop a program for second and third years for those beginning teachers who successfully complete the first year.~~ The optional second and third years may offer continued development for successful beginning teachers or for any teacher with identified skill development needs, may involve decreasing levels of assistance, and may ~~need not~~ include peer mentoring and professional orientation teams. The professional orientation program for experienced teachers shall be a 90-day program of orientation to state and district policies and practices.

(b) No teacher who has less than 1 full year of successful teaching experience as defined in s. 228.041(16) shall be issued the professional educator's certificate until the individual has successfully completed the first year of the professional orientation program. The teacher employed in the state for the first time or whose professional certificate is inactive and who has at least 1 full year of successful teaching experience may, during the first 90 days of employment, demonstrate successful instructional performance on an instructional performance evaluation system that has been approved for use in the professional orientation program in the employing district of the teacher. This performance evaluation system shall measure demonstration of the competencies described in subsection (2). The experienced teacher who fails to document successful demonstration of the essential competencies during the first 90 days of employment shall complete 1 year of the professional orientation program.

(c) A teacher participating in the professional orientation program shall be a member of the bargaining unit with the same rights as any other first-year teacher and shall receive full pay according to the adopted salary schedule of the district. The requirement for participation in a professional orientation program may be met by a contract employee while teaching full-time or on an equivalent part-time basis in a school district or in a nonpublic school, state-supported school, or developmental research school with an approved professional orientation program.

(d) The professional orientation program shall include, but is not limited to, the following conditions:

1. Each school district and each developmental research school, state-supported school, or nonpublic school with an approved professional orientation program plan shall annually submit evaluation data on its ~~shall submit a request for approval of a~~ professional orientation program to the Commissioner of Education. The commissioner shall develop criteria for continued approval after consultation with the Education Standards Commission. ~~Nonpublic schools also may submit a plan for approval of a professional orientation program.~~

2. Professional orientation activities during the first year shall be based on classroom application of the competencies described in subsection (2), in appropriate instructional settings. Emphasis shall be given to application of those competencies which are directly related to effective performance of the instructional services for which the participant is seeking certification coverage. The orientation activities shall also develop school improvement skills.

3. Successful completion of that portion of the professional orientation program required for a professional certificate means that the superintendent or chief administrator has verified to the Department of Education that the teacher has successfully completed the first year of the program.

4. A teacher who has successfully completed the professional orientation program shall have the same reemployment rights as any other teacher on probationary service.

(e) The state board shall adopt the rules necessary to provide for the professional orientation program. Such rules shall include opportunities for school districts to work with teacher preparation institutions to devise, and submit for approval, performance appraisal systems and other professional development mechanisms tailored to meet local situations. The rules shall provide for a procedure by which the applicant for

a professional certificate may appeal the judgment of the superintendent or chief administrator regarding successful completion of the program. The appeals procedures shall involve the Education Practices Commission and shall not apply to continued employment or reemployment. The involvement of the Education Practices Commission in such appeals procedures shall be pursuant to rules of the State Board of Education.

(f) District school boards may expend educational training funds as provided for in ss. 236.081 and 236.0811 for professional orientation program activities.

(7) **PRIOR APPLICATION.**—Those persons who *apply* ~~applied~~ for initial *professional regular* or temporary certification ~~under the law preceding July 1, 1990~~, shall be governed by the law and rules in effect at the time of application for issuance of the initial certificate.

Section 31. Section 231.1725, Florida Statutes, is amended to read:

231.1725 Employment of substitute teachers, teachers of adult education, and nondegreed teachers of vocational education, and *noncertificated teachers in critical teacher shortage areas.*—

(1) Notwithstanding the provisions of ss. 231.02, 231.15, 231.17, and 231.172 or any other provision of law or rule to the contrary, ~~each school board the State Board of Education~~ shall establish the minimal qualifications for:

(a) Substitute teachers to be employed pursuant to s. 231.47. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02.

(b) Part-time and full-time teachers in adult education programs. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

(c) Part-time and full-time nondegreed teachers of vocational programs. Qualifications shall be established for agriculture, business, health occupations, home economics, industrial, marketing, and public service education teachers, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 231.02. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the school board.

c. Completion of vocational education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from a standard institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

(d) *Part-time and full-time noncertificated teachers in critical teacher shortage areas. The qualifications shall require the filing of fingerprints in the same manner as required by s. 231.02 and shall be based on academic training in the essential generic and specialization competencies of the instructional assignment. The school board shall be responsible for determining critical teacher shortage areas within the school district. Each school board shall annually report the number, qualifications, and areas of assignment of all noncertificated teachers employed pursuant to this paragraph during each school year. The report shall be publicly disclosed pursuant to s. 230.23(18).*

(2) Substitute, adult education, and nondegreed vocational education teachers and *noncertificated teachers in critical teacher shortage areas who are employed pursuant to this section shall have the same rights and protection of laws as certified teachers.*

Section 32. Effective June 29, 1994, section 231.173, Florida Statutes, is amended to read:

231.173 Successful experienced out-of-state teachers and administrators.—Notwithstanding the provisions of ss. 231.02, 231.15, 231.17, and 231.172 or any other provision of law or rule to the contrary, a successful, experienced, and certified out-of-state teacher or administrator employed in a public school or nonpublic school in this state may qualify for a professional certificate if *the applicant he*:

(1) Completes the application process, including the filing of a complete set of fingerprints as required by s. 231.02.

(2) Holds a valid standard certificate issued by the state where *the applicant he* most recently taught, which standard certificate is equivalent to the professional certificate issued by this state and for which specialization coverage is based on a level of training comparable to that required in this state for *the applicant's his* area of ~~teaching~~ assignment.

(3) Documents 5 years of *appropriate* successful full-time teaching or administrative experience, including 2 continuous years during the 5-year period immediately preceding the date of ~~his~~ application for certification.

(4) Submits a request for issuance of the professional certificate from the superintendent of the employing school district or ~~the head of the governing authority board of the employing developmental research school, state-supported school, or nonpublic school within the first 120 90 days of assignment with validation of awareness of the standards of professional practice teaching. The certificate shall be limited to the applicant's academic specialization and the subjects which he is assigned to teach.~~

(5) *The certificate issued in accordance with these provisions shall reflect specialization coverages as follows:*

(a) *Teachers.*—A teacher appointed to an academic assignment shall be eligible for the academic coverage in an area in which the teacher is assigned.

(b) *Principals.*—An individual appointed as an intern or interim principal of a K-12 school shall be eligible for the educational leadership coverage.

(c) *Administrators of adult education.*—An individual appointed as an administrator of an adult education program shall be eligible for the administration of adult education coverage.

(d) *Directors of vocational education.*—An individual appointed as a director of vocational education shall be eligible for the director of vocational education coverage.

Section 33. Subsection (1) and paragraph (a) of subsection (2) of section 231.24, Florida Statutes, are amended to read:

231.24 Renewal of professional certificates.—

(1) All *professional* certificates, except a nonrenewable professional certificate, issued to school personnel shall be renewable for successive periods not to exceed 5 years from the date of submission of documentation of completion of the requirements for renewal provided in subsection (2). Only one renewal may be granted during each 5-year validity period of a professional certificate. However, *if the renewal application form is not received by the department before the expiration of the professional certificate, the application form, application fee, and a late fee shall be submitted prior to July 1 of the year following expiration of the certificate in order to renew the professional certificate.* The state board shall ~~adopt promulgate~~ rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request of the superintendent of the local school district or the governing authority of a developmental research school, state-supported school, or nonpublic school that has an approved professional orientation program.

(2) For the renewal of a professional certificate, the following requirements shall be met:

(a)1. The applicant shall earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant shall earn at least 3 of the required credit hours or equivalent inservice points in the specialization

area. Education in "clinical educator" training pursuant to s. 240.529(5)(b) and credits or points that provide training to teachers in the area of exceptional student education may be applied toward any specialization area. Until June 30, 2000, credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching limited English proficient students or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 229.591(3) and 229.592 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved 5-year master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, or serving on an instructional materials committee or a state board or commission which deals with educational issues, or serving on an advisory council created pursuant to s. 229.58.

2. In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

3. In the event an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas. However, at no time shall less than 6 college course credit hours or the equivalent be earned in any one validity period.

Section 34. Subsection (1), paragraph (b) of subsection (7) and subsection (10) of section 231.261, Florida Statutes, are amended to read:

231.261 Education Practices Commission; organization.—

(1) There is created the Education Practices Commission, to consist of 13 members, including 5 teachers, 5 administrators, and 3 lay citizens (of whom 2 shall be former school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with the teaching and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(7) The duties and responsibilities of the commission are to:

(b) Revoke or suspend a certificate or take other appropriate action as provided in ss. ~~s.~~ 231.262 and ~~in s.~~ 231.17(6)(b).

(10) The commission shall be financed from the following: certification fees; fines, penalties, and costs collected pursuant to s. 231.262(7); and general revenue.

Section 35. Subsection (5) and paragraphs (c), (d), and (g) of subsection (6) of section 231.262, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

231.262 Complaints against teachers and administrators; procedure; penalties.—

(5) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. A hearing officer shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are ~~unless all parties, including the Department of Education, agree in writing that there is no disputed issues~~ issue of material fact. The hearing officer shall make recommendations in accordance with the provisions of subsection (6) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(6) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(c) Imposition of an administrative fine not to exceed \$2,000 for each count or separate offense. ~~Such fine shall be deposited in the State Treasury.~~

(d) Placement of the teacher, administrator, or supervisor on probation for a period of time and subject to such conditions as the commission may specify, including requiring the certified teacher, administrator, or supervisor to complete additional appropriate college courses or work with another certified educator, with the administrative costs of monitoring the probation assessed to the educator placed on probation teacher.

(g) Imposition of an administrative sanction, upon a person whose teaching certificate has expired, for an act or acts committed while that person possessed a teaching certificate or an expired certificate subject to late renewal, which sanction bars that person from applying for a new certificate for a period of 10 years or less, or permanently.

(7) All moneys collected by, or awarded to, the commission as fees, fines, penalties, or costs shall be deposited into the Educational Certification and Service Trust Fund pursuant to s. 231.30.

Section 36. Subsections (1) and (5) of section 231.28, Florida Statutes, are amended to read:

231.28 Education Practices Commission; authority to discipline.—

(1) The Education Practices Commission shall have authority to suspend the teaching certificate of any person as defined in s. 228.041(9) or (10) for a period of time not to exceed 3 years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); to revoke the teaching certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); to revoke permanently the teaching certificate of any person; to suspend the teaching certificate, upon order of the court, of any person found to have a delinquent child support obligation; or to impose any other penalty provided by law, provided it can be shown that such person:

(a) Obtained the teaching certificate by fraudulent means;

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school;

(c) Has been guilty of gross immorality or an act involving moral turpitude;

(d) Has had a teaching certificate revoked in another state;

(e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation;

(f) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the school board;

(g) Has breached a contract, as provided in s. 231.36(2); or

(h) Has been the subject of a court order directing the Education Practices Commission to suspend the certificate as a result of a delinquent child support obligation;

(i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules; or

(j) ~~(i)~~ Has otherwise violated the provisions of law or rules of the State Board of Education, the penalty for which is the revocation of the teaching certificate.

(5) ~~(a)~~ Each district superintendent and the governing authority of each developmental research school, state-supported school, or non-public school with an approved professional orientation program shall report to the department the name of any person certified pursuant to this chapter or employed and qualified pursuant to s. 231.1725:

(a) Who has been convicted of, or who has pled nolo contendere to, a misdemeanor, felony, or any other criminal charge, other than a minor traffic infraction;

(b) ~~The superintendent shall report to the department the name of any person~~ Who that official has reason to believe has committed or is found to have committed any act which would be a ground for revocation or suspension under subsection (1); or

(c) ~~The superintendent shall report to the department the name of any person~~ Who has been dismissed or severed from employment because of conduct involving any immoral, unnatural, or lascivious act.

Section 37. Section 231.30, Florida Statutes, is amended to read:

231.30 Certification fees.—

(1) The State Board of Education, by rule, shall establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping, and may establish procedures for scheduling and administering an examination upon an applicant's request. Each fee shall be based on department estimates of the revenue required to implement the provisions of law with respect to certification of school personnel and shall not exceed \$60, except as otherwise provided in this section. The application fee shall be nonrefundable. Each examination fee shall be sufficient to cover the actual cost of administering the examination, but shall not exceed \$60 for any regularly scheduled examination or \$100 for an examination administered upon an applicant's request. ~~have the authority to adopt rules providing for the payment of fees:~~

- (a) ~~For a professional certificate;~~
- (b) ~~For a temporary certificate or a part-time certificate;~~
- (c) ~~For renewal of a professional certificate; and~~
- (d) ~~For a duplicate certificate or a name change.~~

(2) The proceeds from the collection of certification fees, fines, penalties, and costs levied pursuant to this chapter shall be remitted by the Department of Education to the Treasurer for deposit into and shall be kept by him in a separate fund to be known as the "Educational Certification and Service Trust Fund" and disbursed for the payment of expenses incurred by the Educational Standards Commission, by the Educational Practices Commission, and in the printing of forms and bulletins and the issuing of certificates, upon vouchers approved by the department.

Section 38. Section 231.45, Florida Statutes, is amended to read:

231.45 ~~Principal and superintendent to keep~~ Records of absences.—The administrator principal of each designated organizational unit school shall see that both the days present and the days absent for each employee are reported to the superintendent at least once each month in the manner ~~on the forms~~ prescribed for that purpose. This report shall include the exact dates of, and the reasons for, each absence. Each The superintendent of each district in the state shall establish procedures to ensure maintenance of the keep full and complete records of all such absences and advise the school board as to the disposition to be made of claims arising for payment of such benefits as are provided by law.

Section 39. Subsection (4) of section 231.603, Florida Statutes, is amended to read:

231.603 Establishment and operation of teacher education centers.—

(4) Pursuant to rules of the State Board of Education, each teacher education center shall develop an inservice training plan. The teacher education center inservice plan shall be updated annually periodically and shall be incorporated into the district master plan for inservice educational training.

Section 40. Paragraph (b) of subsection (1) of section 231.606, Florida Statutes, is amended to read:

231.606 Administration of local teacher education centers.—

(1) CENTER COUNCIL.—A council shall be established for each teacher education center. The local school board shall appoint the members of the council at the teacher education center.

(b) Duties and responsibilities.—The center council shall perform the following duties and responsibilities:

1. Recommend to the superintendent policy and procedures for the teacher education center.
2. Develop goals and objectives for the center within the policies as determined by the local school board.
3. Develop and annually periodically update the teacher education center inservice plan. Council members may serve on the committee established pursuant to s. 236.0811 to annually review proposed changes to the district master inservice plan.

4. Recommend to the superintendent the employment of a director and an appropriate teacher education center staff.

5. Make recommendations to the superintendent on an appropriate budget.

Section 41. Section 231.609, Florida Statutes, is amended to read:

231.609 Funding.—Teacher education centers shall be funded jointly by participating school districts and colleges and universities, the Department of Education, federal or private grants and donations, fees, and funds from any other appropriate source. The primary funding responsibility shall be as follows:

(1) SCHOOL DISTRICTS.—The duties and responsibilities of the school board of each district in which a teacher education center is approved by the Department of Education shall be:

- (a) To provide appropriate and adequate facilities for the operation of the center.
- (b) To employ a director and appropriate staff for the center.
- (c) To budget and expend for center activities all appropriate funds for inservice teacher education programs for the district.

(2) UNIVERSITIES AND COLLEGES.—The duties and responsibilities of the universities and colleges shall be to adopt, or cause to be adopted, policies and procedures necessary to accomplish the following:

(a) In accordance with s. 240.245, all appropriate faculty professional activities and services performed in school districts to effectuate the purposes and intent of this act shall be recognized on the same basis as all other activities or services recognized for faculty salary adjustments, promotions, reemployment, or tenure and for allocating faculty time for research, counseling, and all other nonteaching services. The Board of Regents shall adopt rules necessary to ensure the implementation of this paragraph.

(b) The pro rata amount of nonfaculty support and other resources appropriated for the State University System is allocated for the activities of the approved teacher education centers where generated.

(c) Expenditures of funds allocated to the colleges, community colleges, and universities for teacher education center activities shall be approved by the commissioner for use by state universities and private colleges with state-approved teacher education programs to carry out inservice teacher education programs in school districts. Community colleges may provide staff developmental services to school districts through teacher education centers. The Board of Regents and the State Board of Community Colleges shall cooperate in the establishment of all rules regarding teacher education centers. No funds shall be released for any program until a written agreement between school districts to be served and the institutions providing the services is established and approved by the commissioner. These agreements shall address priority state needs or components of the approved master plan for inservice educational training.

(d) Each institution, in cooperation with the teacher education center, shall submit a report annually to the department on teacher education center activities. The report shall specify the fulfillment of the terms of the agreement, providing supporting data. The report shall further specify the objects for which funds were expended and any variation from the terms of the agreement.

(e) Funds allocated to postsecondary institutions may be utilized for:

1. Planning, delivery, and evaluation of inservice training programs.
2. Travel and per diem expenses directly related to the planning, delivery, and evaluation of approved inservice programs, pursuant to s. 112.061.
3. Other direct operating expenses in accordance with s. 236.081(3)(b).

(f) Each college and each university, public or private, participating in an approved teacher education center shall allocate for the approved college or university activities carried out in the teacher education center appropriate resources equal to the allocation for the same type of activities carried out in on-campus programs.

(2)(3) DEPARTMENT OF EDUCATION.—The commissioner shall include in the legislative budget of the Department of Education a request, with detailed justification, for the amount of funds necessary to accomplish the following:

(a) To provide technical assistance to teacher education centers for evaluation purposes pursuant to s. 231.603(2)(e), to be carried out during that fiscal year.

(b) To provide for the collection and dissemination of information on exemplary practices of teacher education center programs.

(c) To provide technical assistance and training in collaborative decisionmaking for center councils in carrying out their prescribed duties as required pursuant to s. 231.606(1)(b) and in accordance with the intent of this act.

Section 42. Subsections (1), (2), (3), and (4) of section 231.613, Florida Statutes, are amended to read:

231.613 Inservice training institutes.—

(1) It is the intent of the Legislature to establish inservice training institutes for the purpose of providing rigorous, intensive inservice training for the state's public school instructional personnel as defined in s. 228.041(9). The Legislature shall determine annually in the General Appropriations Act the subject area or areas of instruction for the institutes and the grade levels and specialties of participating instructional personnel. *Instructional technology Computer literacy and multicultural education shall be included as subject areas or areas of instruction at inservice training institutes. Effective July 1, 1992, and each year thereafter, inservice instruction in vocational education shall be provided which meets needs identified in the inservice master plan for vocational educators pursuant to s. 231.614. A district may provide summer inservice training institutes in instructional areas which are areas of critical need teacher shortage for the district and approved by the Department of Education, and "clinical educator" training pursuant to s. 240.529(5)(b), provided the district has approved add-on certification programs for each instructional area so designated.*

(2) Each public school district shall separately, or in cooperation with an adjoining district or districts, establish an inservice training institute which meets the following criteria:

(a) Operate for *at least 30 hours of instruction the number of hours or days specified in the General Appropriations Act.* The training shall *will be* on consecutive days, except weekends and district holidays.

(b) Operate at a time other than the regular school year for students.

(c) Annually provide rigorous, intensive inservice training for district instructional personnel as designated in subsection (1).

(d) Utilize school district, community college, university, or other *district* approved facilities as the site for inservice institutes.

(e) Utilize teacher education centers to provide for inservice institute training.

Districts are encouraged to utilize university and community college personnel to conduct the training.

(3) *By May 1 February 1* of each year, each district ~~or group of districts establishing an inservice institute~~ shall submit to the school board ~~department~~ for approval a plan describing how inservice institute training shall be provided for that year. Such plans shall be *developed according to criteria and procedures established by the commissioner submitted in a manner and form as prescribed by state board rule* and shall contain:

(a) An estimate of costs for providing inservice activities.

(b) Procedures to evaluate institute activities consistent with s. 231.608(1).

(c) Such other items as may be required by the state board.

(4) Instructional personnel participating in an inservice training institute may receive compensation for this training ~~as provided for in the General Appropriations Act.~~

Section 43. Paragraph (c)1. of subsection (4) of section 233.067, Florida Statutes, is amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(c) The comprehensive health education and substance abuse prevention program shall include the following in all public and laboratory schools:

1. Implementation of inservice education programs for teachers, counselors, and other persons, which programs deal with comprehensive health education, substance abuse prevention, prevention of sexually transmissible diseases, especially human immunodeficiency virus infection and acquired immune deficiency syndrome, and the benefits of sexual abstinence and consequences of teenage pregnancy. Such inservice education programs shall be consistent with the 5-year master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decisionmaking skills and building self-concept. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts and laboratory schools.

Section 44. Paragraph (a) of subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the State Board of Education, each school board district shall develop and *annually approve submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall include all inservice programs for all district employees from all fund sources and shall be updated annually by September 1 using criteria and procedures for continued approval as specified by state board rule. Verification that the plan meets all requirements of this section shall be submitted annually to the commissioner by October 1. The plan shall be based on an assessment of the inservice educational training needs of the district conducted by a committee which includes parents, classroom teachers, and other educational personnel. This assessment shall identify districtwide inservice needs and the inservice training needs of local schools. The plan shall include, at a minimum, the inservice activities that are necessary for implementation of the schools' improvement plans during the current fiscal year. The plan shall include, but is not limited to, components addressing: a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students; The plan shall also include a component consisting of competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for substance and alcohol abuse prevention; and The plan must also include a component consisting of competencies in instruction for multicultural sensitivity in the classroom. The plan shall also include components that may be used to satisfy the certification requirements applicable to teachers of students with limited proficiency in English and components that may be used for the renewal of a certificate in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees from all fund sources.*

2. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training.

3. The department shall withhold *funding approval* of any district's master inservice plan, as required by this section, which fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors.

3.—~~The plan of each school district for inservice educational training submitted pursuant to this paragraph must include inservice components~~

~~which may be used for extension of a certificate or a new endorsement in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, curriculum development in the middle grades, developing critical thinking and creative thinking in students in the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The department is authorized to waive one or more of these inservice areas related to the middle grades if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas. The State Board of Education shall adopt rules necessary to implement the provisions of this subparagraph.~~

Section 45. Section 240.529, Florida Statutes, is amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(1) **INTENT.**—The Legislature recognizes that skilled teachers make the most important contribution to a quality educational system and that competent good teachers are produced by effective competent and accountable teacher preparation programs. The intent of the Legislature is to establish a system for development and approval of teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing teachers with the competencies and skills for achieving the state education goals and sustaining the state system of school improvement and education accountability established pursuant to ss. 229.591, 229.592, and 229.593 ~~necessary for teaching in the schools of the 21st century.~~

(2) **DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.**—A system shall be developed by the Department of Education in collaboration with institutions of higher education to assist departments and colleges of education in the restructuring of their programs to meet the need for producing quality teachers now and in the future. The system shall assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. The Education Standards Commission shall have primary responsibility for recommending these standards to the State Board of Education for adoption. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies, effective classroom practices, and the outcomes of the state system of school improvement and education accountability and "Blueprint 2000," as well as performance measures. Departments and colleges of education shall ensure that teacher preparation programs and courses emphasizing "Blueprint 2000" concepts and standards receive priority funding.

(3)(2) INITIAL STATE PROGRAM APPROVAL.—

(a) A program approval process, based on standards adopted pursuant to subsection (2), shall be established for postsecondary teacher preparation programs. This program approval process shall be phased in according to timelines determined by the Department of Education and, by July 1, 1995, shall be fully implemented for all teacher preparation programs in the state.

1. This approval process for State University System teacher preparation programs shall incorporate those provisions and requirements necessary for recognition by the National Council for the Accreditation of Teacher Education and shall provide for joint accreditation and program approval review by the state and the National Council for the Accreditation of Teacher Education for those units seeking initial or continuing accreditation. The approval process shall be consistent with the intent set forth in subsection (1).

2. Nonpublic postsecondary teacher preparation institutions shall choose the approval process specified in subparagraph 1. or an alternate program approval process developed by the department. This alternate approval process shall be consistent with the intent set forth in subsection (1) and shall be based primarily upon significant, objective, and quantifiable graduate performance measures. This approval process shall not be based on National Council for the Accreditation of Teacher Education provisions and requirements.

For purposes of this section, "unit" is defined by the National Association for the Accreditation of Teacher Education and means the college, school,

department, or other administrative body within the institution that is primarily responsible for the preparation of teachers and other professional education personnel. "Program" is defined by the State Board of Education and means a set of courses, activities, or other experiences designed to help individuals develop the competencies required for a specified type of certification coverage.

(b) Each teacher preparation program ~~of an institution of higher learning within the state which has been approved by the Department of Education, as provided for by this section, shall require one of the following;~~ as a prerequisite for admission into the program;

1. That a student receive a passing score at the 40th percentile or above, as to be established by state board rule, on a nationally standardized college entrance examination;

2. That a student have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies; or

3. That a student have completed the requirements for a baccalaureate degree from any college or university accredited by a regional accrediting association as defined by state board rule. ~~However,~~

The State Board of Education shall provide by rule for a waiver of these requirements ~~this requirement.~~ The rule, when adopted, shall require that 90 percent of those admitted to each teacher education program meet the requirements of this paragraph ~~40th percentile requirement.~~ This rule shall be effective upon adoption by the state board pursuant to chapter 120.

(4)(3) **CONTINUED PROGRAM APPROVAL.**—Beginning July 1, 1995, and notwithstanding the provisions of subsection (3)(2), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education in collaboration with the departments and colleges of education shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic institution of higher education learning within the state shall be contingent upon the passing of the state written examination required by s. 231.17(2) by at least 80 percent of the graduates of the program who take the examination and the successful completion of an approved professional orientation program by at least 90 percent of the graduates who enter such programs. On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 231.17.

(b) Additional criteria for continued program approval for public institutions may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria shall emphasize outcome measures and may include, but not be limited to, program graduates' satisfaction with training and the unit's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria shall be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. In addition to graduates of approved programs, data shall be collected on alternate preparation program completers and a representative sample of recent out-of-state graduates teaching in Florida. Beginning January 1, 1995, and by January 1 of each succeeding year, the Department of Education, in cooperation with the Board of Regents and the State Board of Independent Colleges and Universities, shall report this information for each Florida postsecondary institution having state-approved programs of teacher education to the Governor, the Commissioner of Education, the Chancellor of the State University System, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the general public. This report shall analyze the data and make recommendations for improvement of teacher preparation programs in the state.

(c) Beginning July 1, 1997, continued approval for a teacher preparation program shall be contingent upon the results of annual reviews of the program conducted by the institution of higher education, using

procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan shall incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(5)(4) **PRESERVICE FIELD EXPERIENCE.**—Beginning July 1, 1995, all postsecondary instructors, school district teachers, and school sites preparing teachers through preservice field experience courses and internships shall meet special requirements.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 231.17 and 231.24; at least 3 years of successful teaching experience in prekindergarten through grade 12; or a commitment to spend periods of time specified by State Board of Education rule teaching in the public schools.

(b) All school district personnel and teachers who supervise or direct teacher preparation students during field experience courses or internships shall have evidence of "clinical educator" training. The Education Standards Commission shall recommend, and the state board shall approve, the training requirements.

(c) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic school associations shall select the school sites for preservice field experience activities. *These sites shall represent the full spectrum of school communities, including, but not limited to, schools located in urban settings.* In order to be selected, school sites shall demonstrate commitment to the education of public school students and to the preparation of future teachers. A nonpublic school association, in order to be approved, shall have a state-approved master inservice program plan in accordance with s. 236.0811 and a state-approved professional orientation program plan in accordance with s. 231.17.

(6)(5) **STANDARDS OF EXCELLENCE.**—The Education Standards Commission shall recommend, and the State Board of Education shall approve, standards of excellence for teacher preparation. These standards shall exceed the requirements for program approval pursuant to subsection (3) (2) and shall incorporate state and national recommendations for exemplary teacher preparation programs. Beginning July 1, 1995, approved teacher preparation programs which meet these standards of excellence shall receive public recognition as programs of excellence and may be eligible to receive teaching profession enhancement grants pursuant to s. 240.5291.

(7)(6) **NATIONAL BOARD STANDARDS.**—The Education Standards Commission and the State Board of Education shall review standards and recommendations developed by the National Board for Professional Teaching Standards and may incorporate those parts deemed appropriate into criteria for continued state program approval, standards of excellence, and requirements for inservice education.

(8)(7) **COMMUNITY COLLEGES.**—To the extent practical, postsecondary institutions offering teacher preparation programs shall establish articulation agreements on a core of liberal arts courses and introductory professional courses with field experience components which shall be offered at community colleges.

(9)(8) **PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.**—Universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs which are jointly submitted by community colleges and universities.

(a) These pilot programs shall be approved by the State Board of Education and shall be designed to provide help and support for program participants during the preteacher education period of general academic

preparation at a community college or university and during professional preparation in a state-approved teacher education program. Emphasis shall be placed on development of the basic skills needed by successful teachers.

(b) Universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements of ~~paragraph (2)(b)~~ for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged, under s. 231.172, to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

(c) In order to be certified, a graduate from a pilot program shall meet all requirements for teacher certification specified by s. 231.17. Should a graduate of a pilot program not meet the requirements of s. 231.17, that person shall not be included in the calculations required by paragraph (4) (3)(a) and State Board of Education rules for continued program approval, or in the statutes used by the State Board of Education in deciding which teacher education programs to approve.

(d) Institutions participating in the pilot program shall submit an annual report evaluating the success of the program to the Commissioner of Education by March 1 of each year. The report shall contain, but shall not be limited to: the number of pilot program participants, including the number participating in general education and the number admitted to approved teacher education programs, the number of pilot program graduates, and the number of pilot program graduates who met the requirements of s. 231.17. The commissioner shall consider the number of participants recruited, the number of graduates, and the number of graduates successfully meeting the requirements of s. 231.17 reported by each institution, and shall make an annual recommendation to the state board regarding the institution's continued participation in the pilot program.

(10)(9) **RULES.**—The State Board of Education shall adopt necessary rules to implement this section.

Section 46. The Education Standards Commission created by section 231.545, Florida Statutes, is hereby directed to:

(1) Study the feasibility of implementing educator certification requirements under the auspices of members of the education profession.

(2) Prepare and present a report on its findings and recommendations to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Commissioner of Education on or before January 1, 1995.

Section 47. The Education Standards Commission created by section 231.545, Florida Statutes, is hereby directed to, by July 1, 1996, create and develop standards and requirements for an "urban education" academic endorsement certificate to be issued pursuant to chapter 231, Florida Statutes.

Section 48. Subsection (3) of section 231.15, Florida Statutes, and section 231.1711, Florida Statutes, are hereby repealed.

Section 49. Sections 230.2309, 230.2312, 230.2313, 230.2314, 230.2319, 230.232, 231.532, 232.08, 232.301, 233.057, 233.0575, 233.0641, 233.0643, 233.0677, 233.501, 233.64, 233.641, 233.642, 233.643, 233.65, 236.0835, 236.088, 236.089, 236.091, 236.1223, 236.1224, 236.1227, and 236.135, Florida Statutes, section 233.0576, Florida Statutes, as amended by chapter 93-260, Laws of Florida, and subsection (3) of section 239.121, Florida Statutes, as created by chapter 92-136, Laws of Florida, are hereby repealed.

Section 50. Paragraph (b) of subsection (52) of section 39.01, Florida Statutes, is amended to read:

39.01 **Definitions.**—When used in this chapter:

(52) "To be habitually truant" means that:

(b) In addition to the actions described in s. ss. ~~230.2313(3)(e)~~ and 232.17, the school administration has completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1. One or more meetings have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration shall proceed to the next escalating activity;

2. Educational counseling has been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes were instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in an alternative education program that meets the specific educational and behavioral needs of the child; and

3. Educational evaluation, which may include psychological evaluation, has been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition;

Section 51. Paragraphs (a) and (b) of subsection (3) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(3) School millages shall be composed of five categories of millage rates, as follows:

(a) Nonvoted required school operating millage, which shall be that nonvoted millage rate set by the county school board for current operating purposes and imposed pursuant to s. 236.02(6)(7).

(b) Nonvoted discretionary school operating millage, which shall be that nonvoted millage rate set by the county school board for operating purposes other than the rate imposed pursuant to s. 236.02(6)(7) and other than the rate authorized in s. 236.25(2).

Section 52. Paragraphs (c) and (d) of subsection (3) and paragraph (b) of subsection (12) of section 200.065, Florida Statutes, are amended to read:

200.065 Method of fixing millage.—

(3) The advertisement shall be no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the county is published less than 5 days a week, or that the advertisement appear in a geographically limited insert of such newspaper which insert is published throughout the taxing authority's jurisdiction at least twice each week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(c) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy nonvoted millage in excess of the minimum amount required pursuant to s. 236.02(6)(7), the advertisement shall be in the following form:

NOTICE OF TAX INCREASE

The . . . (name of school district) . . . will soon consider a measure to increase its property tax levy by . . . (percentage of increase over rolled-back rate) . . . percent.

A portion of the tax levy is required under state law in order for the school board to receive \$. . . (amount A) . . . in state education grants. The required portion has . . . (increased or decreased) . . . by . . . (amount B) . . . percent and represents approximately . . . (amount C) . . . of the total proposed taxes.

The remainder of the taxes is proposed solely at the discretion of the school board.

All concerned citizens are invited to a public hearing on the tax increase to be held on . . . (date and time) . . . at . . . (meeting place) . . .

A DECISION on the proposed tax increase and the budget will be made at this hearing.

1. AMOUNT A shall be an estimate, provided by the Department of Education, of the amount to be received in the current fiscal year by the district from state appropriations for the Florida Education Finance Program.

2. AMOUNT B shall be the percent increase over the rolled-back rate necessary to levy only the required local effort in the current fiscal year, computed as though in the preceding fiscal year only the required local effort was levied.

3. AMOUNT C shall be the quotient of required local-effort millage divided by the total proposed nonvoted millage, rounded to the nearest tenth and stated in words; however, the stated amount shall not exceed nine-tenths.

(d) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy as nonvoted millage only the minimum amount required pursuant to s. 236.02(6)(7), the advertisement shall be the same as provided in paragraph (c), except that the second and third paragraphs shall be replaced with the following paragraph:

This increase is required under state law in order for the school board to receive \$. . . (amount A) . . . in state education grants.

(12)

(b) Within 30 days of the deadline for certification of compliance required by s. 200.068, the department shall notify any taxing authority in violation of this section that it is subject to paragraph (c). Except for revenues from voted levies or levies imposed pursuant to s. 236.02(6)(7), the revenues of any taxing authority in violation of this section collected in excess of the rolled-back rate shall be held in escrow until the process required by paragraph (c) is completed and approved by the department. The department shall direct the tax collector to so hold such funds.

Section 53. Subsection (3) and paragraph (a) of subsection (4) of section 200.069, Florida Statutes, are amended to read:

200.069 Notice of proposed property taxes.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities within his jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6)(7); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; a single entry for other independent special districts in which the parcel lies, if any, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6)(7) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Pu-

blic Schools." The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11). For voted levies for debt service, the entry shall be "Voter Approved Debt Payments."

Section 54. Subsections (16) and (28) of section 228.041, Florida Statutes, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(16) SCHOOL YEAR.—The school year shall comprise the period during which the schools are regularly in session for the minimum number of 180 days of instruction or the equivalent on an hourly basis for pupils as specified by regulations of the state board for pupils plus periods for preschool and postschool conferences as approved under regulations of the state board. ~~The school year for grades 9 through 12 shall consist of a minimum of 1,050 hours of instruction; except that this provision shall be implemented in the 1993-1994 school year and thereafter only to the extent as specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act. A district school board may decrease the minimum number of days of instruction by up to 4 days for 12th grade pupils for purposes of graduation without proportionate reduction in funding.~~

(28) HABITUAL TRUANT.—A habitual truant is a student who has been absent from school with or without the knowledge or consent of his parent or legal guardian and who is not exempt from attendance by virtue of being over the age of compulsory school attendance, by meeting the criteria in s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. ~~230.2313(3)(e), 232.17, and 232.19, without resultant successful remediation of the truancy problem before being dealt with as a dependent child according to the provisions of chapter 39.~~

Section 55. Paragraph (a) of subsection (9) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(9) FUNDING.—

(a) Each developmental research school shall be allocated its proportional share of operating funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act. The nonvoted ad valorem millage that would otherwise be required for developmental research schools shall be allocated from state funds. The required local effort funds calculated pursuant to s. 236.081 shall be allocated from state funds to the schools as a part of the allocation of operating funds pursuant to s. 236.081. Each eligible developmental research school shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 236.081. In addition, each developmental research school shall receive its proportional share of categorical funds pursuant to ss. 228.195, ~~230.2312, 230.2313, 230.2314, 230.2319, 231.532, 233.057, 233.34, 233.39, 236.012, 236.02, 236.078, 236.081, 236.0811, 236.0815, 236.083, 236.0835, 236.088, 236.089, 236.091, 236.092, 236.1223, 236.1225, and 236.24, and new categorical funds enacted after July 1, 1985, for the purpose of elementary or secondary academic program enhancement. Funds appropriated to the laboratory school program component of the education and general budget entity for the operation and maintenance of the developmental research schools effective in 1991-1992 shall be transferred from the appropriate budget categories in the State University System to the Florida Education Finance Program. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.~~

Section 56. Subsection (6) of section 229.592, Florida Statutes, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the ~~annual~~ General Appropriations Acts of ~~1991, 1992, and 1993~~, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.0855; 230.2215; 230.2305; ~~230.2309; 230.2312, 230.2313, 230.2314, 230.2316(11), (12), and (13); 230.2318; 230.2319(6), (7), (8), and (9); 231.087; 231.532; 231.613; 232.257; 233.0678; 233.301; 233.057; 233.0575; 233.0576; 233.0615; 233.067(5), (6), (7), (8), and (11); 233.069; 233.65; 234.021; 236.02(3); 236.022; 236.0835; 236.0873; 236.083; 236.088; 236.089; 236.091; 236.092; 236.122; 236.1225; 236.1223; 236.1224; 236.1227; 236.1228; and 239.401. In the event the extended-day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropriation in the General Appropriations Act of 1991, 1992, or 1993, these provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.~~

(b) ~~Until July 1, 1994~~, The methods and requirements of the following statutes shall be held in abeyance: ss. 228.088; and 229.57(4) and (5); ~~230.232; 232.08; 233.0641; 233.0643; 233.0645; 233.0677; 233.501; 233.64; 233.641; 233.642; and 233.643.~~

In determining which statutes and rules stand in the way of school improvement, the Florida Commission on Education Reform and Accountability shall consider the effect that holding the statutes listed in paragraphs (a) and (b) in abeyance has had on the school improvement process. *It is the intent of the Legislature that statutes listed in paragraphs (a) and (b) be systematically repealed after being held in abeyance for 3 consecutive fiscal years.*

(c) ~~Until July 1, 1996~~ 1994, the Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act and the following statutes may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection: ss. 228.041(13) and (16); 229.602(5); 230.23(3), (4)(f) and (o), (6), (7)(a), (b), and (c), (11)(c), and (17); 231.095; 232.01; 232.04; ~~232.045; 232.245; 232.2462; 232.2463 232.426; 233.011; 233.34; 236.013(3) relating to the 36-hour limit; and 239.121 236.135.~~ Graduation requirements in s. 232.246 may be met by demonstrating performance of intended outcomes for any course in the Course Code Directory if a waiver from the requirements of s. 232.2462 has been approved based upon a need identified in a school improvement plan. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory shall count as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such waiver is required to implement a school improvement plan required by s. 230.23(18). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

(d) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules adopted to implement statutes listed in paragraphs (a), (b), and (c), provided that the intent of each rule is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(e) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to subsection (5), and how student improvement will be evaluated and reported. In considering any waiver, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(f) Any request for a waiver which is not denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information. On denial of a request for a waiver, the commissioner shall state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

Section 57. Subsection (1), paragraph (d) of subsection (2), and paragraph (d) of subsection (3) of section 230.23135, Florida Statutes, are amended to read:

230.23135 Florida Council on Student Services.—

(1) INTENT.—The Legislature recognizes the important relationships between effective and comprehensive student services programs in meeting the cognitive and affective goals of our students. The Legislature also recognizes that public school personnel associated with student services programs, as specified in s. 230.2313, and principals are critical to the successful operation of schools, especially with regard to the school-level coordination and delivery of services needed for meeting the needs of students and their families. This responsibility is especially critical given the current and projected demographics of the state. The Legislature further recognizes that the school should be the primary level for planning, coordinating, and assessing the delivery of student services and ensuring that these services are well-integrated into other improvement efforts.

(2) FLORIDA COUNCIL ON STUDENT SERVICES.—

(d) The council shall be assigned to the Department of Education for administrative and budget purposes. The Commissioner of Education shall designate staff to assist the council in performing its duties. ~~The commissioner is authorized to use 0.25 percent of student development services funds for the support and operation of this council.~~

(3) DUTIES OF THE COUNCIL.—The council shall have the following duties:

(d) To identify minimum standards of service and standards of excellence for student services programs ~~as specified in s. 230.2313~~. Such standards shall include, but not be limited to, prevention, intervention, and treatment.

Section 58. Paragraph (a) of subsection (2) of section 230.2318, Florida Statutes, is amended to read:

230.2318 School resource officer program.—

(2) LOCAL SCHOOL RESOURCE OFFICER PROGRAM PLANS; APPROVAL BY COMMISSIONER; CRITERIA AND RESTRICTIONS.—

(a) Each school district desiring to establish a local school resource officer program, in conjunction with one or more law enforcement and community agencies, shall submit a proposed school resource officer program plan to the Commissioner of Education for review. Two or more districts may submit a joint plan to maximize benefits as desirable. Each plan shall contain a detailed description of the proposed local school resource officer program, including, but not limited to, the following:

1. An agreement between the school board and each participating law enforcement and community agency specifying the financial and other responsibilities of each party.

2. Program objectives and guidelines.

3. A provision for and description of a preservice training program for school resource officers. Each preservice training program shall be either modeled after a program jointly designed by the department, district school personnel, and law enforcement agencies, or an alternate approved by the department.

4. The criteria used by the employing law enforcement agency and the district in the selection of school resource officers.

~~5. If a law education program exists on the elementary level under s. 233.0615, the relationship between such program and the plan shall be explained.~~

~~5.6. Any other information required by the commissioner.~~

6.7. An agreement between the school board and the law enforcement agency regarding the school resource officer's uniform.

Section 59. Subsection (1) of section 231.62, Florida Statutes, is amended to read:

231.62 Identification of critical teacher shortage areas.—

(1) As used in ss. ~~231.532~~, 231.621, 240.4063, and 240.4064, the term "critical teacher shortage area" applies to mathematics, science, vocational education, and high priority location areas. The State Board of Education may identify vocational education programs having critical teacher shortages. The State Board of Education shall adopt rules necessary to annually identify other critical teacher shortage areas and high priority location areas. The state board shall also consider teacher characteristics such as ethnic background, race, and sex in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual school boards may identify other critical teacher shortage areas. Such shortages must be certified to and approved by the State Board of Education. High priority location areas shall be in high-density, low-economic urban schools and low-density, low-economic rural schools and shall include schools which meet criteria which include, but are not limited to, the percentage of free lunches, the percentage of students under Chapter I of the Education Consolidation and Improvement Act of 1981, and the faculty attrition rate.

Section 60. Paragraph (b) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(b) Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's pupil progression plan ~~and s. 230.2312~~. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools.

Section 61. Paragraph (a) of subsection (3) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—

(a) In case a child becomes a habitual truant, the school administration shall file with the circuit court a complaint alleging the facts, and the child shall be dealt with as a child in need of services according to the provisions of chapter 39. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies shall allow a reasonable time period to complete

actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria shall be met and documented in writing prior to the filing of a petition:

1. The child must have been absent from school with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education;

2. In addition to the actions described in s. ~~ss. 230.2313(3)(c) and 232.17~~, the school administration must have completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

a. One or more meetings must have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration must have proceeded to the next escalating activity;

b. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may have included enrollment of the child in an alternative education program that met the specific educational and behavioral needs of the child; and

c. Educational evaluation, which may have included psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition; and

3. A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the Department of Health and Rehabilitative Services must have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations must have met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

Section 62. Paragraph (a) of subsection (7) of section 232.246, Florida Statutes, is amended to read:

232.246 General requirements for high school graduation.—

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than a total of nine elective credits in remedial programs as provided for in s. 236.0841 ~~and compensatory and remedial programs as provided for in s. 236.088~~.

Section 63. Subsections (5) through (12) of section 233.067, Florida Statutes, are amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(5) DISTRICT PROGRAM RESPONSIBILITIES.—

~~(a) Each school district shall designate one or more contact persons to coordinate the district's comprehensive health education and substance abuse prevention program and to receive materials and information from the Prevention Resource Center. District responsibilities may include cooperating with law enforcement and alcohol abuse and substance abuse treatment agencies and encouraging business and community involvement in prevention activities. Each district shall plan for efficient use of state resources and prevention center resources, including, but not limited to, training programs for school personnel, curriculum materials, and identification, referral, and legal guidelines.~~

~~(b) Pursuant to policies and regulations to be adopted by the Commissioner of Education, each district school board, laboratory school, or consortium thereof shall submit to the commissioner a proposed program designed to effectuate an exemplary comprehensive health education and substance abuse prevention program for kindergarten through grade 12. Such programs shall be implemented no later than the 1988-1989 school year in each public school within the district. The proposal shall include:~~

~~1. A statement of the nature of the comprehensive health education and substance abuse prevention program proposed;~~

~~2. A provision for a sequential program of instruction in comprehensive health education, including nutrition education and substance abuse education, at the four progression levels K-3, 4-6, 7-9, and 10-12. The sequential program shall be integrated into the curriculum for each grade, kindergarten through 12, with special emphasis in the middle grades. The program for kindergarten through grade 3 shall take into account the developmental needs of young children and shall emphasize personal health and safety;~~

~~3. The number of teachers and students to be involved;~~

~~4. A provision stating how the involvement of governmental agencies and private organizations will be enlisted in order to ensure the use of all available resources in the implementation of the program;~~

~~5. An estimate of the cost;~~

~~6. A plan for evaluation of the program;~~

~~7. A plan for coordinating this program with student services and dropout prevention, pursuant to the provisions of ss. 230.2313 and 230.2316, respectively, and other social services, and for the provision of support activities for students in treatment and those returning to school after treatment or suspension;~~

~~8. A plan for integration of the program into the general curricular and financial program of the district;~~

~~9. A provision for involvement by parents or legal guardians, the community, and businesses; and~~

~~10. Such other information as the commissioner shall by regulation require.~~

~~(5)(6) TECHNICAL ASSISTANCE.—Upon request of a district school board, laboratory school, or consortium thereof, the department shall provide such technical assistance as is necessary to develop a and submit a proposed program for comprehensive health education and substance abuse prevention. The department shall develop and make available to any requesting district school board one or more model suggested programs for substance abuse prevention, including recommended minimum number of hours of instruction in substance abuse prevention appropriate for each grade level, kindergarten through 12.~~

~~(7) PROGRAM REVIEW; FUNDING.—The commissioner shall review and approve, disapprove, or resubmit for modification all proposed comprehensive health education and substance abuse prevention programs submitted. Approval shall be based on the assurance that components specified in this section have been met. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for comprehensive health education and substance abuse prevention purposes.~~

~~(8) PROGRAM EVALUATION AND MONITORING.—The department shall monitor and evaluate the programs or projects funded under subsection (7) and evaluate the overall comprehensive health education and substance abuse prevention program. The department shall collect, analyze, evaluate, and, upon request, disseminate to all school districts, laboratory schools, or consortia thereof, resource information on effective comprehensive health education and substance abuse programs. Program evaluations shall include, but not be limited to, components for determining program or project effectiveness, efficiency, and use of resources. A report on the overall evaluation as well as recommendations for funding and any other recommendations deemed to be appropriate by the commissioner shall be included in the annual report of the Commissioner of Education required under s. 229.575(1).~~

~~(6)(9) NONPUBLIC PERSONNEL PERMITTED TO PARTICIPATE.—Teachers or school administrators employed by a nonpublic school may participate as students in inservice teacher education insti-~~

tutes or curriculum development programs conducted pursuant to this section, provided such participants assume the pro rata share of the cost or charges for tuition.

(7)(10) **STUDENT EXEMPTION.**—Any child whose parent presents to the school principal a signed statement that the teaching of disease and its symptoms, development, and treatment, and the use of instructional aids and materials of such subjects, conflicts with his religious beliefs shall be exempt from such instruction. No child so exempt shall be penalized by reason of such exemption.

(8)(11) **USE OF FUNDS.**—In implementing this section, every effort shall be made to combine funds ~~appropriated for this purpose with funds~~ available from all other sources, federal, state, local, or private, in order to achieve maximum benefits for improving health education and substance abuse prevention.

(9)(12) **APPLICABILITY OF SUBSECTIONS (4) AND (7) (10).**—Subsections (4) and (7) (10) apply regardless of the extent to which the provisions of those subsections are specifically funded in the General Appropriations Act.

Section 64. Paragraphs (a) and (c) of subsection (2) of section 236.013, Florida Statutes, are amended to read:

236.013 **Definitions.**—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(a) A “full-time student” is one student on the membership roll of one school program or a combination of school programs listed in s. 236.081(1)(c) for the school year or the equivalent for:

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12 and adult, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. ~~A full-time equivalent student in grades 9 through 12 shall equal 1,050 hours of instruction; but this provision shall be implemented in the 1983-1984 school year and thereafter only to the extent as specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act;~~

2. Instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or

3. Instruction comprising the appropriate number of net hours set forth in subparagraph 1. or subparagraph 2. for students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan described in this subparagraph is optional for any school district and is not mandated by the state.

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction and the sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A student in the basic half-day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.

(III) A half-day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he is a member divided by the number of hours set forth in sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-subparagraph (II) for each full-time student in membership in a half-day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. Special programs for exceptional students;

b. Special vocational-technical programs;

c. Special adult general education programs;

d. Dropout prevention programs provided for those students who were in membership in teenage parent, substance abuse, or youth services programs as defined in s. 230.2316 and are in need of such additional instruction;

~~e. The Florida Primary Education Program or an approved alternative, as provided in s. 230.2312, for those students who were receiving preventive instructional strategies for at least 45 days of the 180-day term and are in need of additional instruction or kindergarten through fifth grade limited English proficient students enrolled in, or eligible for, English for speakers of other languages;~~

~~f. The Florida Progress in Middle Childhood Education Program for those students in grades 6 through 8 who have failed one or more subjects; and for those students in grade 4 or grade 5 who were receiving the preventive instructional strategies for at least 45 days of the 180-day term and are in need of such additional instruction;~~

e.g. Students-at-risk programs provided for those students who were in membership in an educational alternative or disciplinary program in dropout prevention programs as defined in s. 230.2316 or programs in English for speakers of other languages as defined in s. 233.058 for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;

f.h. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and

g.i. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 65. Section 236.02, Florida Statutes, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or regulation, each annual or periodic report which is required by regulations of the state board.

(2) MINIMUM TERM.—

(a) Operate all schools for a term of at least 180 actual teaching days as prescribed in s. 228.041(13) or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. ~~The school year for grades 9 through 12 shall consist of no less than 1,050 hours of instruction.~~ The state board may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the State Board of Education and in the event the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. Under no circumstances shall a strike, as defined in s. 447.203(6), by employees of the school district be considered an emergency.

~~(b) This subsection, as amended by s. 16, chapter 83-327, shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act.~~

~~(3) MINIMUM PERIODS.—For grades 9 through 12, there shall be a minimum of seven instructional periods or the equivalent thereof per day with a schedule allowing each student to successfully complete at least seven credits in a school year. This subsection shall be implemented in the 1983-1984 school year and thereafter only to the extent specifically funded and authorized in the General Appropriations Act or the substantive bill implementing the General Appropriations Act.~~

(3)(4) EMPLOYMENT POLICIES.—Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.

(a) Such rules shall conform to applicable law and state board rules and shall include the duties and responsibilities of the superintendent and school board pertaining to these and other personnel matters.

(b) All personnel shall be paid in accordance with payroll period schedules adopted by the school board and included in the official salary schedule.

(c) No salary payment shall be paid to any employee in advance of service being rendered.

(d) District school boards may authorize a maximum of six paid legal holidays which shall apply to the 196 days of service.

(e) Such rules may include reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis.

(f) Such rules shall require 12 calendar months of service for such principals as prescribed by regulations of the state board and shall require 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with regulations of the state board.

(4)(5) SALARY SCHEDULES.—Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and regulations of the state board.

(5)(6) BUDGETS.—Observe fully at all times all requirements of law and regulations of the state board relating to the preparation, adoption, and execution of budgets for the district school system.

(6)(7) MINIMUM FINANCIAL EFFORT REQUIRED.—Make the minimum financial effort required for the support of the Florida Education Finance Program as prescribed in the current year's General Appropriations Act.

(7)(8) DISTRICT EDUCATIONAL PLANNING.—Maintain a system of planning and evaluation as required by law.

Section 66. Paragraph (a) of subsection (4) and subsections (10), (11), (12), and (13) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the general appropriations act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program shall be calculated as follows:

(a) Estimated and final calculations.—

1. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the nonexempt assessed valuation for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the commissioner shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total nonexempt assessed valuation for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The commissioner shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

2. The Department of Revenue shall, upon receipt of the official final tax roll from each of the property appraisers, certify to the commissioner the total assessed valuation of nonexempt property for school purposes in each school district, subject to the provisions of paragraph (c).

As revised data are received from property appraisers, the Department of Revenue shall amend the certification of the official final tax roll. The Commissioner of Education, in administering the provisions of paragraph (12)(13)(b), shall use the most recent tax roll data for the appropriate year. For the purposes of this subparagraph, the official final tax roll shall be the tax roll on which the tax bills are computed and mailed to the taxpayers.

~~(10) EXTENDED DAY SUPPLEMENT.—Annually, an amount established in the appropriations act shall be added to the basic amount of current operation of qualified districts as an extended day supplement for grades 9 through 12. The department shall conduct two counts of grades 9 through 12 students in seven contiguous periods with at least 350 minutes of daily instruction and six contiguous periods with at least 360 minutes of daily instruction and nonparticipants in extended day for each school district. The two counts shall be conducted during the 180-day school year in conjunction with the Florida Education Finance Program full-time equivalent student membership survey periods. The definition of contiguous periods includes time for normal travel between school centers, meal periods, homeroom/advisory periods and breaks between classes; and time between classes that includes a dual enrollment class period or a job training period that exceeds normal travel time or meal time due to college, vocational-technical center, or job schedules for dual enrollment or cooperative or work experience courses. The definition of contiguous periods to be counted excludes weekend classes, except that dual enrollment, dropout prevention, and job training in cooperative~~

or work experience courses are exempt from the contiguous requirement at any time, provided the equivalent time in the calendar week is met. Study hall may be counted as one of the seven or six contiguous periods, but the percentage of students in study hall for a given period in a school may not be greater than the average for other periods in the day. Students in grades 9 through 12 counted for extended day must qualify on the same basis of membership and attendance that qualifies students to be counted in full-time equivalent student membership surveys. The extended day counts shall be conducted in accordance with instructions provided by the department. The extended day supplement for each district shall be computed as follows:

(a) Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12 enrolled in six periods with at least 360 minutes of daily instruction. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12, or in grades 6 through 8 if the school has a ninth or tenth grade but not an eleventh or twelfth grade, who is enrolled in seven periods with at least 350 minutes of daily instruction or an equivalent amount of time each week.

(b) If the total amount calculated for students enrolled in six periods with at least 360 minutes of daily instruction exceeds an amount specified in the appropriations act, each district's allocation shall be prorated. In the event the total amount of district extended day and seventh period entitlements exceed an amount to be specified in the appropriations act, each district's entitlement shall be prorated. In the event the sum of each district's allocation for students enrolled in seven periods with at least 350 minutes of daily instruction, each district's allocation for students enrolled in six periods with at least 360 minutes of daily instruction, and the adjustment amount for nonparticipants in either an extended day or seventh period is less than an amount specified in the appropriations act, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods with at least 350 minutes of daily instruction.

(10)(14) CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection (12)(13), a caps adjustment supplement of up to 10 percent of the funds remaining in the appropriation shall be calculated as follows:

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, all other group 2 special programs weighted full-time equivalent student membership above cap group 2 shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(11)(12) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per weighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per weighted FTE student which shall include the adjusted FTE dollars as provided in subsection (12) (13), profoundly handicapped adjustment, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per weighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (12) (13), profoundly handicapped adjustment, and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per weighted FTE to prior year funds per weighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per weighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(12)(13) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the sparsity supplement as determined in subsection (6), the decline in full-time equivalent students as determined in subsection (7), the adult basic skills adjustment as determined in subsection (8), the profoundly handicapped supplement as determined in subsection (9), ~~the extended day supplement as determined in subsection (10), and the quality assurance guarantee as determined in subsection (11) (12),~~ less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 67. Subsection (3) of section 236.13, Florida Statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district shall constitute a part of the district school fund of that district and shall be budgeted and expended under authority of the school board of that district subject to the provisions of law and regulations of the state board.

(3) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on performance outcomes, such as those provided for in s. 236.1223 for the accountability program ~~and s. 231.532 for merit schools,~~ may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

Section 68. Subsection (1) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 236.081(12)(13) shall levy on the nonexempt assessed valuation for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 236.081(4)(a)1. In addition to the required local effort mil-

lage levy, each school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 236.081(4), exclusive of millage levied pursuant to subsection (2).

Section 69. Except as otherwise provided in this act, this act shall take effect upon becoming law.

And the title is amended as follows:

In title, on page 1, strike lines 1-28 and insert: A bill to be entitled An act relating to education; creating s. 288.0475, F.S.; creating the Jobs and Education Partnership within Enterprise Florida; providing for membership; providing for a board of directors; providing powers and authority of the board; providing for authorized programs; providing for an annual report; providing for audits; amending s. 288.901, F.S.; providing for financial disclosure; creating s. 239.249, F.S.; creating a voluntary, market-driven, performance-based incentive funding program for postsecondary adult vocational and postsecondary vocational education programs provided by public school districts and community colleges; providing for administration of the program; providing requirements for participation and criteria for incentive awards and grants; regulating fund sources for incentive awards and grants; amending s. 239.225, F.S.; creating the Vocational Equipment Challenge Grant Program; providing requirements for participation; amending s. 239.105, F.S.; revising the definition of "supplemental vocational" education; directing the Department of Education to review certain programs; amending s. 236.081, F.S.; revising funding calculations for certain students; renaming certain funding categories; creating s. 237.36, F.S.; providing for school board assessment of indirect costs to educational programs and institutions; amending s. 239.201, F.S.; revising terminology; revising requirements related to minimum funding for vocational education; including certain collections within the category of local funds; providing penalties for underexpending certain funds; amending s. 239.233, F.S., relating to vocational education reporting; revising terminology; requiring certain program information and analyses; requiring the Department of Education to withhold funds under certain circumstances; providing for annual reports and program standards; amending s. 239.245, F.S., relating to public information on vocational education programs; revising terminology; conforming language; amending s. 20.15, F.S.; changing the name of the Division of Vocational, Adult, and Community Education; providing for a study of data and reporting requirements; renaming chapter 239, F.S., relating to Vocational, Adult, and Community Education; directing Statutory Revision to conform terminology; authorizing the continued abeyance or waiver of certain statutes under Blueprint 2000; creating s. 242.3305, F.S.; providing for responsibilities and mission of the school; amending s. 242.331, F.S.; providing duties of the Board of Trustees for the Florida School for the Deaf and the Blind; creating s. 242.3315, F.S.; providing for student and employee personnel records; amending s. 242.332, F.S., relating to out-of-state facilities; creating s. 242.337, F.S.; providing procedure for legislative budget requests; creating s. 242.339, F.S.; providing for school budgets; creating s. 242.341, F.S.; providing for budget management flexibility; creating s. 242.343, F.S.; providing responsibilities and requirements for campus police; requiring bond; creating s. 242.345, F.S.; requiring report of school crime statistics; amending s. 228.041, F.S.; including the Florida School for the Deaf and the Blind in the state system of public education; providing for a study of the delivery of services to the blind; amending s. 231.095, F.S.; deleting an obsolete reference; amending s. 231.17, F.S.; revising provisions relating to teacher certification, including application procedures, eligibility, examination, the professional orientation program, and application of statutes and rules; providing an alternative means of satisfying the College Level Academic Skills Test; amending s. 231.1725, F.S.; providing for district qualification of substitute teachers, adult education teachers, nondegree teachers of vocational education, and noncertificated teachers in critical teacher shortage areas; amending s. 231.173, F.S.; providing for certification of out-of-state administrators; providing for certificate specialization coverages; providing for certification criteria; amending s. 231.24, F.S.; revising provisions relating to certification renewal; providing for a late fee; amending s. 231.261, F.S.; correcting a cross reference; revising membership requirements; revising provisions relating to financing the Education Practices Commission; amending s. 231.262, F.S.; revising requirements for hearing a complaint against a teacher or administrator; revising penalties imposed by the commission; providing for the disposition of funds derived from penalties; amending s. 231.28, F.S.; providing grounds for revocation, suspension, or discipline of certified educators; revising

reporting requirements for certain violations by certified and district qualified school personnel; amending s. 231.30, F.S.; revising provisions relating to establishment of certification fees; providing fee caps; providing for remittance of certain moneys; amending s. 231.45, F.S.; revising the manner in which records of personnel absences shall be maintained; amending s. 231.603, F.S.; requiring annual teacher education center inservice plan updates; amending s. 231.606, F.S.; revising duties of teacher education center councils; amending s. 231.609, F.S., relating to funding of teacher education centers; deleting funding by colleges and universities; amending s. 231.613, F.S., relating to inservice training institutes; providing for certain training; revising requirements; transferring approval authority from the Commissioner of Education to school boards; amending s. 233.067, F.S.; conforming provisions; amending s. 236.0811, F.S.; providing for local school board approval of master inservice plans; providing for annual updating; revising plan components; requiring inservice funds to be withheld under certain circumstances; amending s. 240.529, F.S., relating to approval of teacher preparation programs; providing for program development; revising requirements for admission; revising continued approval requirements; providing certain duties of the Education Standards Commission; providing for the development of certain academic endorsement certificates; repealing s. 231.15(3), F.S., relating to certification fees; repealing s. 231.1711, F.S., relating to processing applications for certification; repealing s. 230.2309, F.S., relating to the District School Site Restructuring Incentives Program; repealing s. 230.2312, F.S., relating to the Florida Primary Education Program; repealing s. 230.2313, F.S., relating to student services programs; repealing s. 230.2314, F.S., relating to the teachers as advisors program; repealing s. 230.2319, F.S., relating to the Florida Progress in Middle Childhood Education Program; repealing s. 230.232, F.S., relating to school board duties regarding pupil assignment; repealing s. 231.532, F.S., relating to the district quality instruction incentives program; repealing s. 232.08, F.S., relating to the issuance of age certificates for employment; repealing s. 232.301, F.S., relating to model programs for prevention of student failures and dropouts; repealing s. 233.057, F.S., relating to reading programs; repealing s. 233.0575, F.S., relating to mathematics and science mentor teachers; repealing s. 233.0576, F.S., relating to mathematics and science mentor teacher pilot projects; repealing s. 233.0641, F.S., relating to the free enterprise and consumer education program; repealing s. 233.0643, F.S., relating to water safety education; repealing s. 233.0677, F.S., relating to educational centers for gifted students; repealing s. 233.501, F.S., relating to consortium on quality instructional materials; repealing ss. 233.64, 233.641, 233.642, and 233.643, F.S., relating to the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act and related advisory council; repealing s. 233.65, F.S., relating to residential mathematics and science honors high schools; repealing s. 236.0835, F.S., relating to school bus replacement funding; repealing s. 236.088, F.S., relating to the basic skills and functional literacy compensatory supplement; repealing s. 236.089, F.S., relating to allocations for student development services; repealing s. 236.091, F.S., relating to funding of public school programs of excellence in mathematics, science, and computer education; repealing s. 236.1223, F.S., relating to additional categorical funds for teaching writing skills; repealing s. 236.1224, F.S., relating to categorical funds for science laboratory facilities; repealing s. 236.1227, F.S., relating to the Quality Instruction Incentive Categorical Program; repealing s. 236.135, F.S., relating to computer-related equipment purchasing or leasing; repealing s. 239.121(3), F.S., relating to occupational specialists recruitment and training plans; amending ss. 39.01, 200.001, 200.065, 200.069, 228.041, 228.053, 230.23135, 230.2318, 231.62, 232.01, 232.19, 232.246, 236.013, 236.13, and 236.25, F.S.; correcting cross references and conforming language; amending s. 229.592, F.S., relating to school improvement and education accountability; extending authorization for exceptions to law; correcting cross references and conforming language relating to statutes held in abeyance; providing legislative intent; revising statutes subject to waiver; authorizing additional waivers; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse prevention; deleting required program plans; deleting program review, funding, and evaluation requirements; amending s. 236.02, F.S.; deleting provisions relating to the seventh-period day; amending s. 236.081, F.S.; deleting provisions relating to the extended day supplement; providing effective dates.

On motion by Senator Kirkpatrick, the Senate concurred in the House amendment.

CS for CS for CS for SB 1018 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1104 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1104—A bill to be entitled An act relating to bonds and other obligations of the City of Tampa; repealing chs. 5543 and 5544, Laws of Florida, 1905, which validated specified ordinances authorizing the issuance of bonds; repealing ch. 6403, Laws of Florida, 1911, which authorized the issuance of bonds to pay for construction of a bridge across Hillsborough River at Lafayette Street; repealing ch. 7248, Laws of Florida, 1915, which validated an ordinance, and the bond election thereon, which authorizes the issuance of bonds to finance municipal improvements; repealing ch. 11219, Laws of Florida, 1925, which authorizes the issuance of negotiable bonds for specified purposes; repealing ch. 13453, Laws of Florida, 1927, which authorized the issuance of negotiable bonds for the waterworks system; repealing ch. 13455, Laws of Florida, 1927, which requires approval by electors of all city bond issues; repealing ch. 14420, Laws of Florida, 1929, which authorizes the issuance of refunding bonds without approval of the electors; repealing ch. 14421, Laws of Florida, 1929, which authorized the issuance of refunding bonds for the purpose of refunding any outstanding bonds of the former City of West Tampa; repealing ch. 15527, Laws of Florida, 1931, which authorizes the issuance of refunding bonds; repealing ch. 15528, Laws of Florida, 1931, which authorized the issuance of refunding bonds to refund bonds issued by the former City of West Tampa; repealing ch. 15529, Laws of Florida, 1931, which authorizes the issuance of notes and warrants to pay the current expenses of the city; repealing ch. 16728, Laws of Florida, 1933, which requires the city to adjust and fix millage to be levied for principal and interest of refunding bonds issued under the General Refunding Act of 1931; repealing ch. 17681, Laws of Florida, 1935, which exempted the city from certain provisions for refunding indebtedness; repealing ch. 24947, Laws of Florida, 1947, and ch. 27926, Laws of Florida, 1951, which authorize the issuance of revenue bonds to enlarge the municipal hospital; repealing ch. 29560, Laws of Florida, 1953, which authorizes the issuance of revenue bonds payable from cigarette taxes levied; repealing ch. 57-1890, Laws of Florida, which authorizes the issuance of bond anticipation notes; repealing ch. 69-1663, Laws of Florida, which prescribes the maximum interest rate upon all bonds, notes, certificates, and other obligations of the city; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 3, strike line 2 and insert: Florida, 1927; chapter 15537, Laws of Florida, 1931; chapter 14420, Laws of Florida, 1929; chapter

And the title is amended as follows:

In title, on page 1, strike line 21 and insert: electors of all city bond issues, amended by ch. 15537, Laws of Florida, 1931; repealing ch.

On motion by Senator Grant, the Senate concurred in the House amendment.

SB 1104 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1116 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1116—A bill to be entitled An act relating to the City of Tampa; repealing superseded laws pertaining to officers and employees of the city; repealing ch. 8366, Laws of Florida, 1919, which prescribed the terms of office for city officers; repealing ch. 15534, Laws of Florida, 1931, and ch. 75-510, Laws of Florida, which provided for the office of mayor, for an assistant city attorney for the city council, and for a city health officer; repealing ch. 16715, Laws of Florida, 1933, which fixed the salaries of city officers; repealing ch. 22482, Laws of Florida, 1943, s. 8, ch.

23552, Laws of Florida, 1945, ch. 31306, Laws of Florida, 1955, and ch. 61-2931, Laws of Florida, which prescribed the time for the mayor to submit appointments of department heads to the city council and the time for the council to act on such appointments and which provided for removal of such appointees; repealing ch. 23554, Laws of Florida, 1945, which authorized the city treasurer to collect occupational license taxes and to enforce special assessment liens; repealing ch. 26263, Laws of Florida, 1949, which fixed the salaries of the mayor, the city clerk, and the city attorney; repealing ch. 31307, Laws of Florida, 1955, which fixed the salaries of the mayor and the city clerk; repealing ch. 63-1971, Laws of Florida, which fixed the salary of the mayor; repealing ch. 73-640, Laws of Florida, which fixed the salaries of the mayor, the members of the city council, and the city clerk; repealing ch. 77-657, Laws of Florida, which made the standards of conduct prescribed in ch. 112, pt. III, F.S., applicable to city officers and employees; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 2, strike line 14 and insert: of Florida, 1945; chapter 26260, Laws of Florida, 1949; chapter 26263, Laws of Florida, 1949;

And the title is amended as follows:

In title, on page 1, strike line 14 and insert: 8, ch. 23552, Laws of Florida, 1945, amended by ch. 26260, Laws of Florida, 1949, ch. 31306,

On motion by Senator Grant, the Senate concurred in the House amendment.

SB 1116 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 1176 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1176—A bill to be entitled An act relating to investigations; amending s. 943.031, F.S.; specifying duties of the Florida Violent Crime Council; amending s. 943.04, F.S.; providing expanded functions for regional violent crime investigation teams; amending s. 943.042, F.S.; revising provisions relating to use of the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund; amending s. 285.18, F.S.; providing that the law enforcement agencies of the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida shall have the authority of "criminal justice agencies" for certain purposes; providing for specific authority; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 4, line 4, through page 6, line 26, strike all of said lines and insert:

7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. *Such expansion may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the officers to concentrate on street visibility within the community.*

(b) Additionally, the council shall:

1. Advise the executive director on the creation of regional violent crime investigation coordinating teams.

2. Develop criteria for the disbursement of funds from the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund.

3. Review and approve all requests for disbursement of funds from the Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund. *An expedited approval procedure shall be established for rapid disbursement of funds in emergency situations.*

4. Advise the executive director on the development of a statewide violent crime information system.

Section 2. Subsection (4) of section 943.04, Florida Statutes, is amended to read:

943.04 Division of Criminal Investigation; creation; investigative and related authority.—

(4)(a) The department is authorized to establish regional violent crime investigation coordinating teams composed of persons including, but not limited to, forensic investigators and law enforcement officers from both state and local criminal justice agencies. The functions of a regional violent crime investigation coordinating team include:

1. Responding to violent crimes in a *timely and comprehensive* manner, utilizing *analytic, forensic, investigative, and technical expertise* and equipment to *provide key support to local law enforcement agencies undertaking difficult violent crime investigations.*

2. Facilitating communication and coordination among state and local criminal justice agencies, *including facilitating and coordinating the use of state law enforcement resources for concentrated task force efforts in violent crime investigations constituting emergency situations within the region.*

(b) Upon the request of a sheriff, a police chief, or other appropriate law enforcement administrator, the executive director may deploy a regional violent crime investigation team to assist a law enforcement agency in a violent crime investigation.

Section 3. Section 943.042, Florida Statutes, is amended to read:

943.042 Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund.—

(1) There is created a Violent Crime Investigative Emergency Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:

(a) State and local law enforcement agencies which are involved in complex and lengthy violent crime investigations;

(b) *State and local law enforcement agencies which are involved in violent crime investigations which constitute a significant emergency within the state; or*

(c) *Counties which demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial. A disbursement from this account shall not be used to supplant existing appropriations of state and local law enforcement agencies.*

(2) In consultation with the Florida Violent Crime Council, the department must promulgate rules which, at minimum, address the following:

(a)(4) Criteria for determining what constitutes a complex and lengthy violent crime investigation for the purpose of this section.

(b) *Criteria for determining those violent crime investigations which constitute a significant emergency within the state for the purpose of this section.*

(c) *Criteria for determining the circumstances under which counties may receive emergency supplemental funds for extraordinary expenses associated with a violent crime trial under this section.*

(d)(2) Guidelines which establish limits on the amount that may be disbursed on a single investigation.

(e)(3) Procedures for law enforcement agencies to use when applying for funds.

(f)(4) Annual evaluation and audit of the trust fund.

(3)(a) *A disbursement for the Violent Crime Emergency Account shall not be used to supplant existing appropriations of state and local law enforcement agencies and counties.*

(b) The moneys placed in the account shall consist of appropriations from the Legislature or moneys received from any other public or private source. Any local law enforcement agency that acquires funds pursuant to the Florida Contraband Forfeiture Act is authorized to donate a portion of such funds to the account.

And the title is amended as follows:

In title, on page 1, line 10, after the semicolon (;) insert: authorizing counties to receive funds from such account under certain circumstances;

On motion by Senator Kirkpatrick, the Senate concurred in the House amendment.

CS for SB 1176 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1200 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1200—A bill to be entitled An act relating to fees for agricultural services; amending s. 585.002, F.S.; increasing maximum fee for certain services; amending s. 585.61, F.S.; increasing laboratory fees; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, between lines 24 and 25, insert:

Section 2. Subsection (3) of Section 585.145, Florida Statutes, is amended to read:

585.145 Control of animal diseases.—

(3) A person who forges, counterfeits, simulates or alters, or who knowingly possesses, uses, presents or utters, any forged, counterfeited, altered or simulated official certificate of veterinary inspection or any other document relating to animal health requirements or substitutes, represents, or tenders, an official certificate of veterinary inspection or any other document relating to animal health requirements of one animal for another animal commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 4, after the semicolon (;) insert: amending s. 585.145, F.S.; prohibiting substituting documents of one animal for another;

On motion by Senator Foley, the Senate concurred in the House amendment.

SB 1200 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for CS for SB 1318 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1318—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 207.004, F.S.; providing for temporary fuel-use permits and driveway permits; amending s. 207.005, F.S.; revising provisions with respect to taxes; amending s. 207.007, F.S.; revising provisions with respect to offenses, penalties, and interest; amending s. 207.011, F.S.; deleting provisions with respect to an agreement between the Department of Revenue and the Department of Highway Safety and Motor Vehicles; amending s. 207.026, F.S.; providing a cross-reference; amending s. 207.0281, F.S.; revising provisions with respect to cooperative reciprocal agreements; repealing s. 207.029, F.S., relating to proof of liability insurance; amending s. 316.003, F.S.; redefining the terms "school bus" and "commercial motor vehicle"; amending s. 316.027, F.S., relating to accidents involving death or personal injuries; amending s. 316.192, F.S., relating to reckless driving; amending s.

316.303, F.S.; authorizing the use of electronic displays used in conjunction with vehicle navigation systems; amending s. 316.655, F.S., relating to penalties; amending s. 318.13, F.S.; defining the term "infraction"; amending s. 318.14, F.S., relating to noncriminal traffic infractions; increasing the maximum number of times that a person who is cited for certain infractions may elect to attend a basic driver-improvement course in lieu of a court appearance; amending s. 318.18, F.S., relating to civil penalties; amending ss. 316.064, 316.066, F.S.; providing for a 10-day accident-reporting period; amending s. 316.183, F.S.; revising provisions with respect to the maximum allowable speed for school buses; amending s. 316.1937, F.S.; revising provisions with respect to ignition interlock devices; amending s. 316.1951, F.S.; providing for the removal of certain motor vehicles; amending s. 316.1967, F.S.; providing for the transmission of traffic-violation information by electronic means; amending s. 316.2065, F.S.; providing for the attachment of bicycle trailers; amending s. 316.217, F.S.; revising provisions with respect to when lighted lamps are required; amending s. 316.2397, F.S.; authorizing flashing white strobe lights on vehicles that transport farm workers; authorizing law enforcement and emergency vehicles to flash headlights; amending s. 316.2955, F.S.; directing the Department of Highway Safety and Motor Vehicles to make certain rules with respect to window sunscreening material; amending s. 316.302, F.S.; revising the rules to which commercial motor vehicles are subject; amending s. 316.545, F.S.; authorizing the issuance of temporary fuel-use permits; amending s. 316.613, F.S.; providing for vehicle manufacturers' integrated child seats; revising exemptions to the term "motor vehicle" with respect to child restraint laws; amending s. 316.615, F.S.; revising provisions with respect to the inspection of school buses; requiring certain insurance coverage; amending s. 316.640, F.S.; providing for enforcement of traffic laws; amending s. 316.650, F.S.; revising provisions with respect to traffic citations; repealing s. 316.71, F.S., relating to the suspension or delay of specified functions and requirements, and the imposition of specified fees relating to highway safety and motor vehicles; amending s. 318.14, F.S.; revising provisions with respect to noncriminal traffic infractions; amending s. 318.1451, F.S.; providing a cross-reference; amending s. 319.231, F.S.; revising provisions with respect to exceptions to an additional fee imposed on certain motor vehicle title or registration-only transactions; amending s. 319.25, F.S.; deleting provisions with respect to lists and searches and fees with respect to cancellation of certificates of title; amending s. 320.01, F.S.; providing a definition with respect to fifth-wheel trailers; amending ss. 320.08, 320.081, F.S.; conform references; amending s. 320.822, F.S.; revising license fees and standards for trailers; amending s. 320.02, F.S.; authorizing licensed inspectors to issue notice of violations; providing for voluntary contributions, while registering certain motor vehicles, for deposit into the Transportation Disadvantaged Trust Fund; amending s. 320.03, F.S.; providing an exemption for the transfer of a registration by a motor vehicle dealer; amending s. 322.058, F.S.; providing an exemption for the transfer of a registration by a motor vehicle dealer; amending s. 320.05, F.S.; providing for lists and searches and fees with respect to certain documents; amending s. 320.06, F.S.; revising provisions with respect to the form of certain registration license plates and revising a fee schedule; amending s. 320.0605, F.S., relating to certificate of registration; revising the period of applicability; amending s. 320.0607, F.S.; providing for a reduced fee to replace stolen plates, stickers, or decals; creating s. 320.0657, F.S.; providing for permanent registration and for fleet license plates; amending s. 320.08, F.S.; revising provisions with respect to license taxes on heavy trucks and truck tractors; creating s. 320.08035, F.S.; providing for reduced-dimension license plates for certain vehicles owned or leased by disabled persons; amending s. 320.0805, F.S.; providing for personalized prestige license plates for lessees of motor vehicles; amending s. 320.08065, F.S.; revising provisions with respect to Florida panther license plates; amending s. 320.08066, F.S.; revising provisions with respect to manatee license plates; amending s. 320.0808, F.S.; providing for the issuance of Challenger license plates to lessees; amending s. 320.0809, F.S.; providing for the issuance of collegiate license plates to lessees; amending s. 320.083, F.S.; providing that certain license plates available to amateur radio operators shall be available for lessees of motor vehicles; amending s. 320.089, F.S.; authorizing lessees to receive certain license plates; amending s. 320.0895, F.S.; revising provisions with respect to Florida Salutes Veterans license plates; amending s. 320.0896, F.S.; providing for Florida Special Olympics license plates to motor vehicle lessees; amending s. 320.1325, F.S.; prohibiting the issuance of temporarily employed registration plates to any commercial motor vehicle; providing for the issuance to lessees; amending s. 320.18, F.S.; providing for the canceling of registration; amending s. 320.27, F.S.; redefining the term "motor vehicle dealer"; amending s. 320.8231, F.S.; conforming a cross-reference; amending s. 320.824, F.S.; conforming a cross-reference;

amending s. 320.8285, F.S.; revising provisions with respect to onsite inspection of mobile homes; repealing s. 320.866, F.S., relating to fees for certain documents; amending s. 322.01, F.S.; revising definitions; amending s. 322.02, F.S.; providing for reciprocal agreements with other political entities; amending s. 322.0261, F.S.; revising provisions with respect to mandatory driver improvement; amending s. 322.03, F.S.; providing requirements with respect to the operation of a motorcycle; amending s. 322.055, F.S.; providing for petition for restoration of driving privilege for certain violations; amending s. 322.12, F.S.; providing for a hazardous-materials endorsement on a person's driver's license; amending s. 322.121, F.S.; revising provisions with respect to the periodic reexamination of all drivers; amending s. 322.126, F.S.; requiring certain reports to describe a driver's alleged disability; amending s. 322.221, F.S.; prescribing matters that constitute good cause for the department to examine the competency of a driver; amending s. 322.14, F.S.; requiring certain persons seeking a driver's license to appear in person; amending s. 322.21, F.S.; revising provisions with respect to certain persons who are exempt from delinquent fees for license expiration; amending s. 322.22, F.S.; revising provisions with respect to license cancellation; amending s. 322.24, F.S.; providing reference to foreign countries with respect to license suspension; amending s. 322.27, F.S.; revising provisions with respect to the point system for out-of-state convictions; amending s. 322.271, F.S.; prohibiting the issuance of commercial driver's licenses under certain circumstances; amending s. 322.34, F.S.; revising provisions with respect to driving without a driver's license or while the driver's license or driving privilege is suspended, revoked, canceled, or disqualified; amending s. 322.53, F.S.; providing an additional exemption from the requirement of having to obtain a commercial driver's license; amending s. 322.57, F.S.; providing for requirements with respect to tests for hazardous-materials endorsements; amending s. 322.66, F.S.; revising provisions with respect to vehicles permitted to be driven during a skills test; amending s. 324.031, F.S.; revising amounts with respect to proving financial responsibility; amending s. 324.051, F.S.; revising the accident-reporting requirements for law enforcement officers for purposes of the motor-vehicle-owner-or-operator financial-responsibility laws; amending s. 324.161, F.S.; increasing amounts with respect to proof of financial responsibility; amending s. 325.202, F.S.; redefining the term "program area"; repealing s. 3(7) of ch. 89-168, Laws of Florida, which provides for the repeal of s. 320.08066, F.S., on January 1, 1995; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 35, strike lines 9 through 17 and renumber subsequent sections.

And the title is amended as follows:

In title, on page 3, strike lines 17 through 21 and insert: F.S.; providing a cross-reference; amending s. 319.25, F.S.;

On motion by Senator Myers, the Senate concurred in the House amendment.

CS for CS for SB 1318 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—32 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment, reconsidered, adopted House Substitute Amendment 1 and passed as further amended CS for SB 1320 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1320—A bill to be entitled An act relating to correctional facilities; amending s. 944.10, F.S.; providing legislative intent to expedite the siting and construction of correctional facilities; prescribing additional powers of the Department of Corrections relating to the acquisition of lands for correctional facilities; exempting the department from specified guidelines relating to land appraisals; allowing the department to enter into an option contract before an appraisal is obtained; amending s. 945.27, F.S.; providing for acquisition of private property by eminent domain for construction of new correctional facilities; amending s. 253.025, F.S.; conforming provisions relating to land acquisition to the amendments by this act; amending s. 163.3187, F.S.; allowing a comprehensive plan to be amended to provide for the location of a state correctional facility without that amendment counting against the annual limit

on plan amendments; amending s. 945.215, F.S.; requiring moneys in the trust fund to be annually appropriated by the Legislature; requiring the Department of Corrections to submit a report; specifying the purposes for which the funds may be used; prohibiting the purchase of certain audio-visual and electronic equipment with the funds; requiring a performance audit by the Auditor General; adding a county commissioner member to the Task Force for Review of the Criminal Justice and Corrections Systems; requiring an inmate who initiates a nonemergency visit to a health care provider to make a copayment; providing procedures; providing exceptions; prescribing duties of the Department of Corrections; allowing the department to waive all or part of the copayment in specified circumstances; providing for the deposit of the proceeds from such copayments into the General Revenue Fund; providing for supplemental copayments for specified purposes; providing for the deposit of proceeds from such supplemental copayments into the General Revenue Fund; prohibiting the denial of health care in specified circumstances; prohibiting preferential access to health care in specified circumstances requiring appropriations from the Inmate Welfare Trust Fund and prescribing responsibilities for managing the medical copayment system; providing an effective date.

Substitute House Amendment 1 (with Title Amendment)—
Strike everything after the enacting clause and insert:

Section 1. Section 944.10, Florida Statutes, is amended to read:

944.10 Department of Corrections ~~Management Services~~ to provide buildings; sale and purchase of land.—

(1) *It is the intent of the Legislature to expedite the siting of, acquisition of land for, and construction by the Department of Corrections of state correctional facilities operated by the department or a private vendor under contract with the department. Other agencies shall cooperate with the department and expeditiously fulfill their responsibilities to avoid unnecessary delay in the siting of, acquisition of land for, and construction of state correctional facilities. This section and all other laws of the state shall be construed to accomplish this intent. This section shall take precedence over any other law to the contrary.*

(2)(1) The department of ~~Management Services~~ shall cause all necessary buildings, facilities, and physical plants to be erected to accommodate all prisoners and from time to time shall make such additional alterations as may be necessary to provide for any increase in the number of prisoners; it shall cause to be established proper accommodations for such officers of the department of ~~Corrections~~ who are required to reside constantly within the precincts of the institutions.

(3)(a)(2)(a) The department of ~~Management Services~~ may enter into lease-purchase agreements, ~~on behalf of the Department of Corrections,~~ to provide correctional facilities for the housing of state inmates. However, no such lease-purchase agreement shall be entered into without specific legislative authorization of that agreement, and funds must be specifically appropriated for each lease-purchase agreement. The facilities provided through such agreements shall meet the program plans and specifications of the department of ~~Corrections~~. The department of ~~Management Services~~ may enter into such lease agreements with private corporations and other governmental entities. However, notwithstanding the provisions of s. 255.25(3)(a), no such lease agreement may be entered into except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder.

(b) Such a lease-purchase agreement which is for a term extending beyond the end of a fiscal year shall be subject to the provisions of s. 216.311.

(4)(a) *Notwithstanding s. 287.057 or s. 253.025, whenever the department finds it to be necessary for timely site acquisition, it may contract without the need for competitive selection with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands of the Department of Environmental Protection in accordance with s. 253.025(7)(b). In those instances in which the department directly contracts for appraisal services, it must also contract with an approved appraiser who is not employed by the same appraisal firm for review services.*

(b) *Notwithstanding s. 253.025(7), the department may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price cannot exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the department or 10 percent of the value of the parcel, whichever amount is greater.*

(c) *This subsection does not apply to any purchase or acquisition of state land except for a purchase or acquisition made specifically for correctional facilities. This subsection does not mitigate in any manner the authority of the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve any contract for purchase for state lands as provided by law or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes.*

(5)(3) The department of ~~Management Services~~ may sell, to the best possible advantage, any or all detached parcels of land belonging to the bodies of land purchased for the state correctional institutions. The department of ~~Management Services~~ is authorized to purchase any contiguous parcels of land within the boundary lines of the lands purchased for state correctional institutions.

(6) *The department is authorized to begin preliminary site preparation and obtain the appropriate permits with regard to the construction of state correctional institutions after approval by the Board of Trustees of the Internal Improvement Trust Fund of the purchase agreement or option agreement if, in the department's discretion, commencing construction is in the best interests of the state.*

Section 2. Subsection (1) of section 945.27, Florida Statutes, is amended to read:

945.27 Proceedings by department.—

(1) Whenever it becomes necessary to increase the number of prison beds by acquiring private property for the construction of new correctional facilities or for the expansion of existing facilities, ~~for the welfare and convenience of any of the institutions now under, or which may hereafter be placed under, the supervision and control of the Department of Corrections to acquire private property for the use of any of said institutions and the property same cannot be acquired by agreement satisfactory to the said Department of Corrections and the parties interested in, or the owners of, the said private property, the department is hereby empowered and authorized to exercise the right of eminent domain and to proceed to condemn the said property in the same manner as provided by law for the condemnation of property. The Board of Trustees of the Internal Improvement Trust Fund must approve the institution of any condemnation action before the action is filed by the department.~~

Section 3. Subsection (18) is added to section 253.025, Florida Statutes, to read:

253.025 Acquisition of state lands.—

(18) *Pursuant to s. 944.10, the Department of Corrections is responsible for obtaining appraisals and entering into option agreements and agreements for the purchase of state correctional facility sites. An option agreement or agreement for purchase is not binding upon the state until it is approved by the Board of Trustees of the Internal Improvement Trust Fund. The provisions of paragraphs (7)(b), (c), and (d) and (8)(b), (c), and (d) apply to all appraisals, offers, and counteroffers of the Department of Corrections for state correctional facility sites.*

Section 4. Paragraph (f) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(f) *A comprehensive plan amendment for location of a state correctional facility. Such an amendment may be made at any time and does not count toward the limitation on the frequency of plan amendments.*

Section 5. Subsection (1) of section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1)(a) All moneys held in any auxiliary, canteen, welfare, or similar fund in any state institution under the jurisdiction of the Department of Corrections ~~must~~ *shall* be deposited in the Inmate Welfare Trust Fund of the department, which fund is created in the State Treasury, ~~or in a place which the department shall designate.~~ The department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the Senate and House minority leaders no later than January 1 of each year a report that documents the receipts and

~~expenditures from the Inmate Welfare Trust Fund for the previous fiscal year. The report must present this information by program, by institution, and by type of receipt and expenditure. The money in this fund is hereby appropriated for the benefit, education, and general welfare of inmates of any state institution under the jurisdiction of the department, including but not limited to the establishment of, maintenance of, employment of personnel for, and the purchase of items for resale at canteens or vending machines maintained at state institutions and for the establishment of, maintenance of, employment of personnel for, and necessary expenses in connection with the operation of hobby shops, recreational facilities, or other like facilities or programs at the institutions under the jurisdiction of the department.~~

(b) *Effective for the expenditure of funds by the Department of Corrections for fiscal year 1994-1995 and thereafter, the money in this fund must be exclusively used to purchase items for resale at the inmate canteens or vending machines at the correctional facilities, to employ personnel to operate and manage inmate canteens, for operating and fixed capital costs associated with the operation of inmate canteens and vending machines, and to employ personnel to manage and supervise proceeds from telephone commissions.*

(c) *After expenditures for the items contained in subsection (b), money in this fund must be exclusively used:*

1. *To employ personnel to provide education, literacy, and vocational training programs that are in accordance with accepted Department of Education standards.*

2. *For operating and fixed capital expenses associated with the delivery of literacy, vocational training, and academic programs for inmates which are in accordance with accepted Department of Education standards.*

3. *For operating and fixed capital expenses associated with the operations of general and law libraries.*

4. *To employ personnel to operate the general and law libraries.*

5. *For operating and fixed capital expenses associated in the treatment, rehabilitation programs, assessment, transition, and life skills training for inmates.*

6. *To employ personnel to provide programs and services associated with treatment and rehabilitation, assessment, transition, and life skills training for inmates.*

7. *For operating and fixed capital expenses associated with the operation of inmate exercise and activity programs, chapels, and visiting pavilions.*

8. *To employ personnel to operate the inmate chapels, and exercise and activity facilities.*

9. *For expenses associated with various inmate clubs.*

(d) *No money from this trust fund shall be expended for cable television or electronic games for use by inmates.*

(e) *Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department must be confiscated and liquidated, and the proceeds thereof must be directed to and deposited in the Crimes Compensation Trust Fund.*

(f)(b) *There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities and any moneys which may be assigned by the inmates or donated to the department by the general public or an inmate service organization for deposit in the fund. However, the department shall refuse to accept any donations from or on behalf of any individual inmate. The moneys of the fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.*

~~(c) Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated, and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.~~

(g)(d) *The Treasurer secretary of the department or his designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department which that in his opinion*

is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section must shall be deposited in the Inmate Welfare Trust Fund of the department.

Section 6. The Auditor General shall conduct a performance audit of the Inmate Welfare Trust Fund and its institution-based accounts and submit his findings to the Legislature by January 1, 1995.

Section 7. Effective July 1, 1995, paragraph (a) of subsection (4) and paragraphs (a) and (b) of subsection (13) of section 20.315, Florida Statutes, 1992 Supplement, are amended, paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), and a new paragraph (c) is added to subsection (13) of said section, to read:

20.315 Department of Corrections.—There is created a Department of Corrections.

(4) SECRETARY OF CORRECTIONS; DEPUTY SECRETARY.—The head of the Department of Corrections is the Secretary of Corrections. The secretary shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(a) The secretary is the chief administrative officer of the department and shall have the authority and responsibility to plan, direct, coordinate, and execute the powers, duties, and responsibilities assigned to the department. The responsibilities of the secretary shall include, but not be limited to:

1. Setting departmental priorities.

2. Appointing the Assistant Secretary for Operations, the Assistant Secretary for Management and Budget, the Assistant Secretary for Programs, the Assistant Secretary for Health Services, the Assistant Secretary for Correctional Education, the program directors, and the regional directors.

3. Directing the management, planning, and budgeting processes.

4. Supervising and directing the promulgation of all departmental rules.

5. Supervising and directing the department's legal services.

(13) DEPARTMENTAL BUDGETS.—

(a) The secretary shall develop and submit biennially to the Legislature a comprehensive departmental summary budget document which shall array budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of eight distinct budget entities:

1. The Office of the Secretary and the Office of Management and Budget.

2. The Assistant Secretary for Programs and all program offices.

3. The Assistant Secretary for Operations and regional administration.

4. The Assistant Secretary for Health Services.

5. Major Institutions.

6. Community Facilities and Road Prisons.

7. Probation and Parole Services.

8. The Assistant Secretary for Correctional Education School Authority.

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend, and approve the biennial budget requests of all departmental activities. ~~Departmental activities do not include the Correctional Education School Authority. The budget procedure for the authority shall be pursuant to s. 242.68.~~ Recommendations on departmental budget priorities shall be furnished to the secretary by the Assistant Secretary for Operations, the Assistant Secretary for Management and Budget, the Assistant Secretary for Programs, and the Assistant Secretary for Health Services, and the Assistant Secretary for Correctional Education.

(c) The Assistant Secretary for Correctional Education shall prepare the budget request for correctional education services as a separate, identified program component, which shall be reviewed by the Cor-

rectional Education Advisory Board before submission to the Governor as part of the legislative budget request for the department. The Secretary of Corrections shall not have the authority to amend the budget request for correctional education programs without review of those changes by the Correctional Education Advisory Board. All funds, including general revenue, trust funds, and donations, shall be used solely for correctional education programs under the control of the Assistant Secretary for Correctional Education and approved by the Correctional Education Advisory Board. Funds appropriated for correctional education programs shall not be transferred to any other budget entity within the department.

Section 8. Effective July 1, 1995, section 242.68, Florida Statutes, 1992 Supplement, is renumbered as section 945.701, Florida Statutes, and amended to read:

945.701 242.68 Education for state prisoners; Correctional Education School Authority; Board of Correctional Education.—

(1) ~~There is hereby created a Correctional Education School Authority attached to the Department of Corrections which shall be composed of The educational facilities of all institutions operated by the Department of Corrections and shall be supervised by the department a Board of Correctional Education. Library services and facilities, and Maintenance of facilities, that house the education programs is shall continue to be assigned to the Department of Corrections, which is shall also be responsible, in consultation with the Correctional Education School Authority, for renovation and new construction of correctional education facilities. All education-related positions, including central office administrative positions, shall be assigned to the school authority.~~

(2)(a) ~~The department has the authority and responsibility to manage and operate the correctional education program as provided by law. The department and the Department of Education shall cooperate as may be necessary to discharge the department's responsibilities. The department shall operate its education programs in accordance with applicable provisions of the state school laws and rules of the State Board of Education except as expressly exempted by the State Board of Education. There is hereby established a Board of Correctional Education attached to the Department of Corrections, which shall be composed of nine voting members. Membership shall be as follows:~~

1. ~~Four voting ex officio members, who shall be the Commissioner of Education or his designee, the Secretary of Corrections or his designee, the Secretary of Labor and Employment Security or his designee, and the President of Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) or his designee.~~

2. ~~Five voting members appointed by the Governor and confirmed by the Senate in regular session as follows: one member who is trained in vocational education and training; one member who is trained in adult basic education; one member who is trained in special education; one member who has business experience in the private sector; and one member who is a former inmate of the Florida prison system and who has completed requirements for a general educational development certificate or vocational certificate. The Commissioner of Education and the Secretary of Corrections may submit recommendations for appointment to the Governor for his consideration. The Governor may remove any member for cause and shall fill vacancies, as appropriate.~~

(b) ~~Members of the board shall serve without compensation but shall be reimbursed for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061.~~

(c) ~~Members shall be appointed for terms of 4 years each, except for initial appointments and whenever a vacancy occurs other than by expiration of a term. Initial terms shall be as follows: two members shall be appointed for 2-year terms and three members shall be appointed for 4-year terms. Whenever a vacancy occurs other than by expiration, the Governor shall appoint a member for the remainder of that term.~~

(d) ~~No appointed member shall serve more than two consecutive 4-year terms.~~

(e) ~~Members of the board shall elect a chairman annually.~~

(f) ~~The board is vested with the authority and responsibility to manage and operate the correctional education program as provided by law. The Department of Corrections and the Department of Education shall cooperate and render assistance as may be necessary to enable the board to discharge its responsibilities. Resources of the departments may~~

~~be used to support the operation of the education programs as agreed by the departments and the board. The Correctional Education School Authority shall operate its education programs in accordance with applicable provisions of the Florida school laws and rules of the State Board of Education except as expressly exempted by the State Board of Education.~~

(b)(g) ~~In providing an inmate education program, the responsibilities of the department board shall be to:~~

1. ~~Adopt and enforce all necessary rules for the management and operation of education programs within the Department of Corrections. In adopting rules the department board shall consider its the Department of Corrections operating procedures and the goals of correctional education. The rules adopted by the department relating to its educational programs board shall not conflict with Department of Corrections rules relating to security or any applicable rules adopted by the Department of Education.~~

2. ~~Develop written cooperative agreements with the Department of Corrections outlining the duties and responsibilities of the school authority and its staff and Department of Corrections institutional personnel.~~

2.3. ~~Develop and maintain procedures and appropriate staffing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to the classification staff of the Department of Corrections. The information collected shall include, but not be limited to, the inmate's areas of educational or vocational interest, vocational skills, special education needs, and level of education.~~

3.4. ~~Develop and maintain appropriate testing and assessment procedures guidelines, in cooperation with the Department of Corrections, for identifying which inmates will would most likely benefit from correctional education. These procedures The guidelines shall be based on assessment of the inmate's academic and vocational needs using Department of Education approved assessment tests, the inmate's level of interest, and the length of time the inmate is expected to remain in prison.~~

4.5. ~~Develop rules guidelines, in cooperation with the Department of Corrections, that assure that inmates who are identified as likely to benefit from correctional education are assigned to facilities that offer correctional education courses.~~

5.6. ~~Develop rules guidelines for the school authority staff concerning the behavioral control of inmates while in education programs and the reporting of behavioral problems.~~

6.7. ~~In cooperation with the Department of Education, pursuant to s. 229.565, monitor and assess all inmate education program services and expenditures and report the results of such evaluation in the department's board's annual report of its activities.~~

8. ~~Establish and adopt criteria to annually evaluate the Director of Correctional Education and set the compensation and salary of the director.~~

9. ~~Adopt rules governing the compensation and salary of teachers and other education personnel.~~

10. ~~Visit and inspect schools at reasonably frequent intervals.~~

7.11. ~~Implement Approve education programs of the appropriate levels and types approved by the Correctional Education Advisory Board in the correctional institutions and adopt rules for the admission of inmate students thereto.~~

8.12. ~~Pursuant to chapter 287, enter into contracts agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out its duties and responsibilities and ensure that contracts agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education standards. Agreements and Contracts for instructional services shall expressly prescribe the qualifications of and the department's board's expectations for instructors and the educational objectives to be met. All tangible personal property purchased with state or federal funds is the property of the state and is subject to chapter 273.~~

~~13. Review and approve the budget request for the correctional education program. The approved budget shall be forwarded to the Department of Corrections for inclusion in the departmental budget pursuant to s. 20.315.~~

~~14. Review and approve the 5-year comprehensive plan for correctional education.~~

9.15. ~~Develop~~ Review and approve goals and objectives relating to all phases of the correctional education program.

10.16. Report the ~~department's board's~~ annual activities to the ~~Secretary of Corrections~~, the Commissioner of Education, the Governor, and the Legislature.

11.17. Develop and maintain complete and reliable statistics on the number of general educational development (GED) certificates and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses. The compiled statistics shall be summarized and analyzed in the ~~department's annual report of correctional education activities required by subparagraph 16.~~

12.18. Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include *an* annual labor market analysis which demonstrates the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the ~~department board~~ shall evaluate the feasibility of adding vocational education programs which have been identified by the Department of Labor and Employment Security or a regional coordinating council as being in undersupply in this state.

13.19. Ensure that correctional education programs comply with the policies set by the ~~department board~~ and with public policies and goals and objectives of the state, which include, in the following order of priority:

a. Providing every inmate who has an expectation of release from custody within 10 5 years and whose length of time in prison is sufficient for educational programming with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and the ability to perform routine mathematical functions prior to his release or expiration of his sentence.

b. Providing every inmate who has an expectation of release from custody within 10 5 years and whose length of time in prison is sufficient for educational programming, and who has demonstrated the intellectual capacity to benefit therefrom, with the opportunity to obtain the equivalent of a public high school education. ~~Inmates who wish to receive a standard high school diploma shall be required to meet the graduation requirements provided for in ss. 232.246 and 232.247. The highest priority in achieving this goal shall be focused on those institutions housing youthful offenders as defined in chapter 958.~~

c. Ensuring that every inmate who has an expectation of release from custody within 10 5 years and whose length of time in prison is sufficient for educational programming be released possessing at least entry-level marketable vocational skills in one or more occupational fields for which there is a demonstrable demand in the economy of this state.

d. Ensuring that every inmate be released possessing life management skills which will allow him to function successfully in a free society.

e. Providing that inmates who demonstrate college-level aptitudes be provided the opportunity to participate in *approved* college-level academic programs which may be offered within correctional facilities. Associated costs shall be borne by the inmate.

14.20. ~~Ensure, in cooperation with the Department of Corrections,~~ that every inmate who has 2 years or more remaining to serve on his sentence at the time that he is received at an institution and who lacks basic and functional literacy skills ~~as defined in s. 228.0713~~ attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program. The basic and functional literacy level of an inmate shall be determined by the average composite test score obtained on a test approved for this purpose by the ~~Department State Board~~ of Education.

a. Upon completion of the 150 hours of instruction, the inmate shall be retested and, if a composite test score of functional literacy is not attained, the ~~department authority~~ is authorized to require the inmate to remain in the instructional program.

b. Highest priority of inmate participation shall be focused on youthful offenders, *first-time offenders*, and those inmates nearing release from the correctional system.

c. An inmate shall be required to attend the 150 hours of adult basic education instruction unless such inmate:

(I) Is serving a life sentence or is under sentence of death.

(II) Is specifically exempted for security or health reasons.

(III) Is housed at a community correctional center, road prison, work camp, or vocational center.

(IV) Attains a functional literacy level after attendance in fewer than 150 hours of adult basic education instruction.

(V) Is unable to enter such instruction because of insufficient facilities, staff, or classroom capacity.

(VI) *Has previously participated in and completed the program.*

(VII) *Has a verified high school diploma or its equivalent.*

d. The ~~department Correctional Education School Authority~~ shall provide classes to accommodate those inmates assigned to correctional or public work programs after normal working hours.

e. If an inmate attends and actively participates in the 150 hours of instruction, the ~~education program manager shall recommend, and the department of Corrections may grant, a one-time award of up to 6 additional days of incentive gain-time, which must be credited and applied as provided by law. Active participation means, at a minimum, that the inmate is attentive, responsive, cooperative, and completes assigned work.~~

f. *Notwithstanding s. 944.275(4)(b), the education program manager or supervising teacher shall recommend, and the department may grant, an award of 60 additional days of incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for and is awarded a general educational development certificate or vocational certificate in a program operated or approved by the department. Under no circumstances may an inmate receive more than 120 days for educational attainment pursuant to this section.*

~~21. Recommend to the Department of Corrections the award of additional incentive gain-time for inmates who receive a general educational development certificate or vocational certificate.~~

(3) ~~The department has the authority~~ *Board of Correctional Education is created as a body corporate with all powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:*

~~(a) Have a corporate seal.~~

~~(b) Employ personnel or contract with education providers or other authorized entities or agents as may be necessary in its judgment and may fix their compensation.~~

~~(c) Have power to contract and be contracted with, to sue and be sued, and to plead and be impleaded in all courts of law and equity. The department may receive donations which may be used to fund its education program. The department may also adopt rules as necessary to implement this section.~~

~~(d) Receive donations.~~

~~(e) Have final rulemaking authority.~~

~~(4) There is hereby established The Assistant Secretary for position of Director of Correctional Education who shall be appointed by the board and shall serve at the discretion of the board. The director shall:~~

~~(a) Supervise the administration of all correctional education programs within the department the school authority.~~

~~(b) Have direct line supervision over five regional education program administrators who shall be responsible for the daily operations of correctional education programs within the various correctional institutions and shall report directly to the Assistant Secretary for Correctional Education.~~

(c)(b) Develop standardized correctional education curricula which shall be in accordance with established Department of Education standards.

(d)(e) Ensure that correctional education programs provide minimum performance standards, basic functional literacy skills, and marketable vocational skills which are in accordance with established Department of Education standards.

(d) In cooperation with the Department of Education, pursuant to s. 229.565, develop and maintain a procedure to evaluate the effectiveness of correctional education programs, to include criteria similar to those utilized by the Department of Education.

(e) Appoint an In concurrence with the institution superintendent, recommend the institution education program manager or supervising teacher at each institution with education programs, who shall be the chief education administrator responsible for the daily operation and administration of the institution's education institution educational program, to the board for appointment. After consultation with the institution education program manager and the institution superintendent, approve all staff responsible for providing education programs.

(f) Ensure that all administrative and instructional education staff are certified in accordance with the Department of Education standards.

(g) Work with the Department of Management Services in developing Develop a compensation and classification plan for administrative and instructional education personnel correctional educators which is competitive with school district salaries and includes a step pay plan. The director shall administer the compensation and classification plan for instructional personnel within the rules and policies established by the board, subject only to the approval of the State Board of Education. The director shall administer the compensation and classification plan for administrative and noninstructional personnel within the rules and policies established by the board, subject only to the approval of the Department of Management Services.

(h) Develop a procedure for maintaining a list of substitute teachers so that students will not be temporarily displaced in the event a regular instructor is absent for any reason. Institution education program managers shall maintain an active substitute list at all times.

(h)(i) Develop a mechanism to test all offenders committed to the custody of the department for both academic and vocational aptitude of Corrections, unless the said offenders are specifically excluded from the academic and vocational aptitude testing requirement by department board policy. The tests test shall be in accordance with acceptable Department of Education testing standards. Results of such testing shall be placed in the inmate's file and shall be used by qualified educational staff to assess inmate aptitude for educational programs. Every effort shall be made to place inmates in educational programs for which they show a positive aptitude.

(i)(j) Annually update the department's long-range strategic 5-year comprehensive plan for correctional education. The plan shall require the Assistant Secretary for Correctional Education director to:

1. Work with PRIDE to develop training programs for offenders.
2. Develop measurable objectives.
3. Develop quality control mechanisms.
4. Interface academic education and vocational training with participation in prison industries programs.

(j)(k) Develop goals and objectives relating to all phases of the correctional education program.

(k)(l) Develop a staffing and funding formula for correctional education. The formula shall include differential funding levels for various types of programs, shall be based on the number of full-time equivalent students, shall be based on information obtained as a result of unscheduled attendance counts taken by an independent source once per quarter, and shall provide the basis for the legislative budget request. For purposes of this section, a full-time equivalent student shall be equal to a minimum of 900 1050 hours of instruction per calendar year, and each course of instruction shall be equal to a minimum of 150 hours of instruction per calendar year. To be eligible to receive credit for the completion of a course required for the receipt of a standard high school diploma or its equivalent, an inmate must be in attendance for 135 hours of instruction

tion which comprise a course. The funding formula shall include the procedure to document daily attendance and shall require that attendance records be retained for audit purposes. Funds generated by the formula per full-time equivalent student shall not exceed the level of state funding per full-time equivalent student generated through the Florida Education Finance Program or Florida Community College Program Fund for students enrolled in comparable education programs provided by public school districts and community colleges. Funds appropriated for education shall be used solely for that purpose and shall not be transferred to any other budget entity for a purpose other than education.

(l)(m) Prepare the legislative budget request for the entire correctional education program and submit it to the Board of Correctional Education. The director shall be responsible for all expenditures pursuant to appropriations.

(m)(n) Maintain procedures to secure appropriate entitlement funds from federal and state grant sources to supplement the annual legislative appropriation. These funds shall be utilized expressly for correctional education.

(o) Be responsible, along with the Board of Correctional Education, for all academic education and vocational training programs.

(n)(p) Specify which educational facilities shall offer vocational training and which programs shall be available. Criteria for making such determinations shall be in accordance with accepted Department of Education standards. Programs not meeting minimum Department of Education standards shall not be offered.

(o)(q) Ensure that vocational training programs complement existing PRIDE programs whenever possible. Such vocational training programs shall be in accordance with standards established by the Department of Education.

(p)(r) Promulgate rules in conjunction with the Department of Corrections, Determine conditions under which an inmate may be removed from an education program or the classroom. Department of Corrections managers are prohibited from taking inmates out of education programs or classrooms unless such conditions exist.

(q)(s) Assess and identify, within 60 days after of admission at the receiving facility, inmates who have special education needs and develop an individual education a plan whereby those special needs will be addressed. Monthly statistics shall be collected on the number of inmates who are under 21 years of age and under and in need of special education, and such statistics shall be reported to the Department of Education.

(5) The Correctional Education School Authority and the Board of Correctional Education are subject to the provisions of chapter 120, except that curricula established pursuant to this section shall not be a rule.

(5)(6) The department may contract for educational services may be contracted for to provide every inmate with the opportunity to: achieve functional literacy; develop marketable entry-level vocational skills; or develop abilities to live in a law-abiding and democratic society. The contract may must be with a school district, community college, or licensed accredited private postsecondary educational institution. Contracts for these services must show cost estimates; course titles; course descriptions; number of inmate students to be served; total instructional hours per week per course; number of full-time equivalent students per course; full-time equivalent unit cost; description, quantity, and cost of miscellaneous goods or services; and total cost of services with total full-time equivalent students by program. The contract must name the correctional institution and the educational provider. No contract shall be made unless the positions specified in the contract clearly demonstrates a cost savings to the state. All such contracts shall be made in accordance with the provisions of chapter 287 cannot be filled by career service instructors.

- (a) The educational provider shall agree in the contract to:
1. Designate a liaison person.
 2. Provide an educational package that includes instruction by qualified instructors having mastery of the courses or skills being taught.
 3. Arrange for qualified substitutes for absent instructors.
 4. Require instructors to assume instructional and supervisory responsibilities for inmates in their classes.

5. Provide the correctional institution's education program manager with reports on inmate progress and performance.

6. Coordinate teaching schedules that take into consideration the institution's inmate schedule.

7. Comply with department of Corrections and Correctional Education School Authority written rules and reasonable directives, and local policies of the institution, regarding security and safety.

8. Not discriminate against student inmates because of race, color, religion, sex, or national origin.

9. Submit education reports provided for in the contract.

(b) The department Correctional Education School Authority and correctional institution shall agree in the contract to:

1. Provide the necessary personnel an education program manager and a secretary to coordinate the educational programs with the educational provider.

2. Provide a sufficient number of properly selected eligible students for membership in each course.

3. Provide institutional orientation for educational provider staff.

4. Supply all classroom and shop laboratory facilities and standard utilities, including water, lights, phones, heat, and air conditioning.

5. Provide the normal configuration of audio-visual equipment, as available, and incidentals such as chalk, erasers, photocopying services, student paper, and pencils.

6. Provide janitorial and maintenance services.

7. Provide for the safety of all instructors.

8. Provide adequate library services and clerical support.

9. Provide staff support and recordkeeping.

(c) The parties shall agree on other supplies, services, consumables, laboratory materials, and textbooks as necessary. Both parties shall agree that the department education program manager is responsible for coordination of the education program and shall participate in selecting and evaluating instructional personnel sent in to serve the institutions and collaborate in developing operational procedures for efficient management of the education programs. The contract must be signed by the Director of Correctional Education and the superintendent of the correctional institution or his designee; the college president or school superintendent, as applicable, or his designee; the education program manager; and the educational provider's dean or director.

(d) In a contract between the department and any other state agency to provide delivery of educational services, including the State University System or the State Community College System, the agency receiving the contract shall charge no more than 5 percent of the total cost of the contract or grant for overhead or indirect costs or any other costs not required for payment of direct costs.

(6) The provisions of this section shall be implemented only to the extent specifically funded and authorized by law.

(7) For purposes of implementing this section, the department shall be considered a local education agency.

Section 9. Effective July 1, 1995, paragraph (d) of subsection (2) of section 110.205, Florida Statutes, 1992 Supplement, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions which are not covered by this part include the following, provided that no position, except for positions established for a limited period of time pursuant to paragraph (h), shall be exempted if the position reports to a position in the career service:

(d) All officers and employees of the State University System and the Correctional Education School Authority, and the academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind. In accordance with the provisions of chapter 242, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of

trustees for the school, subject only to the approval of the State Board of Education. In accordance with the provisions of chapter 242, the salaries for all education-related instructional personnel of the Department of Corrections Correctional Education School Authority shall be set by the secretary of the Department of Corrections Director of Correctional Education, subject only to the approval of the Board of Correctional Education and the State Board of Education. Salaries for education-related personnel shall be competitive with school district salaries for like or similar positions and shall be annualized to reflect a 12-month teaching year. In accordance with chapter 242, the salaries for all administrative and noninstructional personnel of the Correctional Education School Authority shall be set by the Director of Correctional Education, subject only to the approval of the Department of Management Services.

Section 10. Effective July 1, 1995, subsection (3) of section 229.565, Florida Statutes, 1992 Supplement, is amended to read:

229.565 Educational evaluation procedures.—

(3) EDUCATION EVALUATION.—The Commissioner of Education shall periodically examine and evaluate procedures, records, and programs in each district to determine compliance with law and rules established by the state board and in each correctional institution operated by the Department of Corrections to determine compliance with law and rules established by the Board of Correctional Education pursuant to s. 242.68. Such evaluations shall include, but not be limited to:

(a) Reported full-time equivalent membership in each program category.

(b) The organization of all special programs to ensure compliance with law and the criteria established and approved by the state board pursuant to the provisions of this section and s. 230.23(4)(m).

(c) The procedures for identification and placement of students in educational alternative programs for students who are disruptive or unsuccessful in a normal school environment and for diagnosis and placement of students in special programs for exceptional students, to determine that the district is following the criteria for placement established by rules of the state board and the procedures for placement established by that district school board.

(d) Procedures for screening, identification, and assignment of instructional strategies of the Florida Primary Education Program, or an approved alternative program as provided in s. 230.2312, and any other provisions of the program.

(e) An evaluation of the standards by which the school district evaluates basic and special programs for quality, efficiency, and effectiveness.

(f) Determination of the ratio of administrators to teachers in each school district.

(g) Compliance with the cost accounting and reporting requirements of s. 237.34 and the extent to which the percentage expenditure requirements therein are being met.

(h) Clearly defined data collection and documentation requirements, including specifications of which records and information need to be kept and how long the records need to be retained. The information and documentation needs for evaluation shall be presented to the school districts and explained well in advance of the actual audit date.

(i) Determination of school district achievement in meeting the performance standards specified in s. 232.2454(1).

Section 11. Effective July 1, 1995, subsection (1) of section 232.2481, Florida Statutes, is amended to read:

232.2481 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Health and Rehabilitative Services, the Board of Regents, boards of trustees of community colleges, the Correctional Education School Authority, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 232.245, 232.246, 232.247, and 232.248. Within the content of these cited statutes each such state or local public agency shall be considered a "district school board."

Section 12. Effective July 1, 1995, subsection (2) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Regents shall be deemed to be the public employer with respect to all public employees within the State University System as provided in s. 240.209(3)(f), except that such employees shall have the right, in elections to be conducted at each university by the commission pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the applicable Board of Regents bargaining unit. If, thereafter, by election conducted by the commission pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the applicable Board of Regents bargaining unit for such purpose. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. ~~The Board of Correctional Education shall be deemed to be the public employer with respect to all officers and employees of the Correctional Education School Authority.~~

Section 13. Effective July 1, 1995, paragraph (c) of subsection (2) of section 775.16, Florida Statutes, 1992 Supplement, is amended to read:

775.16 Drug offenses; additional penalties.—In addition to any other penalty provided by law, a person who has been convicted of sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance under chapter 893, if such offense is a felony, or who has been convicted of an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, a controlled substance under chapter 893, is:

(2) Disqualified from applying for a license, permit, or certificate required by any agency of the state to practice, pursue, or engage in any occupation, trade, vocation, profession, or business, unless:

(c) The person has completed a *Department of Corrections education Correctional Education School Authority* program.

The provisions of this section do not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with the provisions of s. 213.05.

Section 14. Effective July 1, 1995, subsection (2) of section 893.11, Florida Statutes, is amended to read:

893.11 Suspension, revocation, and reinstatement of business and professional licenses.—Upon the conviction in any court of competent jurisdiction of any person holding a license, permit, or certificate issued by a state agency, for sale of, or trafficking in, a controlled substance or for conspiracy to sell, or traffic in, a controlled substance, if such offense is a felony, the clerk of said court shall send a certified copy of the judgment of conviction with the person's license number, permit number, or certificate number on the face of such certified copy to the agency head by whom the convicted defendant has received his license, permit, or certificate to practice his profession or to carry on his business. Such agency head shall suspend or revoke the license, permit, or certificate of the convicted defendant to practice his profession or to carry on his business. Upon a showing by any such convicted defendant whose license, permit, or certificate has been suspended or revoked pursuant to this section that his civil rights have been restored or upon a showing that the convicted defendant meets the following criteria, the agency head may reinstate or reactivate such license, permit, or certificate when:

(2) The person has completed a *Department of Corrections education Correctional Education School Authority* program.

This section does not apply to any of the taxes, fees, or permits regulated, controlled, or administered by the Department of Revenue in accordance with s. 213.05.

Section 15. Effective July 1, 1995, paragraph (b) of subsection (4) of section 944.023, Florida Statutes, 1992 Supplement, is amended to read:

944.023 Comprehensive correctional master plan.—

(4) The comprehensive correctional master plan shall use the estimates of the Criminal Justice Estimating Conference and shall include:

(b) A plan developed by the ~~Correctional Education School Authority~~ in coordination with the department for the comprehensive vocational and educational training of, and treatment programs for, offenders and their evaluation within each institution, program, or facility of the department, based upon the identified needs of the offender and the requirements of the employment market to which he will return upon release. *One-third of the Such programs shall be evaluated annually by the department Correctional Education School Authority, based upon stated goals and objectives and ability to reduce additional commitments based upon stated goals and objectives. Evaluations shall be reviewed by the Correctional Education Advisory Board established by the department.*

Section 16. Effective July 1, 1995, paragraph (b) of subsection (2) of section 958.19, Florida Statutes, is amended to read:

958.19 Youth Corrections Program.—

(2) CONDITIONS OF PLACEMENT IN PROGRAM.—

(b) All offenders placed in the youth corrections program shall be subject to the compulsory school attendance requirements of chapter 232. The department shall ~~contract with the Correctional Education School Authority~~ to provide educational and vocational programs consistent with the requirements of the Department of Education.

Section 17. Effective July 1, 1995, section 945.702, Florida Statutes, is created to read:

945.702 Correctional Education Advisory Board; creation; members.—

(1) There is created in the Department of Corrections the Correctional Education Advisory Board. The board shall be composed of seven persons appointed by the Governor subject to confirmation by the Senate. One member must be trained in vocational education and training; one member must be trained in adult basic education; one member must be trained in special education; one member must have business experience in the private sector; and one member must be a former inmate of the state prison system who has completed requirements for a general educational development certificate. Two members shall be at-large members, with no specific educational or business qualifications. A person who has served as an appointee to the former Board of Correctional Education under the Correctional Education School Authority or in the official capacity of Executive Director of the Correctional Education School Authority may not serve as a member of the Correctional Education Advisory Board. The Department of Corrections shall provide administrative support and service to the board. The board shall not be subject to the control, supervision, or direction of the department. The board shall annually elect one member to serve as chair. Members shall be appointed for terms of 4 years each, and shall serve no more than two 4-year terms. In order to stagger the terms of the members, of such members first appointed, the Governor shall appoint two for a term of 1 year, two for a term of 2 years, two for a term of 3 years, and one for a term of 4 years. Each member is authorized to continue to serve upon the expiration of his term until his successor is duly appointed as provided in this section. Before entering upon his duties, each member of the board shall take and subscribe to the oath or affirmation required by the State Constitution.

(2) A member of the board may not be a current employee of the department or a former employee of the Correctional Education School Authority. Not more than one member of the board may be a former employee of the department and such member, if appointed, may not be appointed to a term of office which begins within 1 year after the date of his last employment by the department.

(3)(a) Five members of the board constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the board is necessary for any action taken by the board. No vacancy in the membership of the board impairs the right of a quorum to exercise all the rights and perform all the duties of the board. Any action taken by the board under this section may be authorized by resolution at any regular or special meeting, and each such resolution takes effect immediately and need not be published or posted. All meetings of the board are open to the public in accordance with s. 286.011, and must be noticed in accordance with s. 120.53.

(b) Notwithstanding any general or special law, rule, regulation, or ordinance of any local agency to the contrary, service as a member of the board by a trustee, director, officer, or employee of an educational institution does not, in and of itself, constitute a conflict of interest. However, any member of the board who is employed by, or has received income from, an educational institution under consideration by the board or the department shall not vote on any matter related to such institution.

(4) Members of the board shall receive no compensation for the performance of their duties under this section, but each member shall be paid expenses incurred while engaged in the performance of such duties pursuant to s. 112.061.

Section 18. Effective July 1, 1995, section 945.703, Florida Statutes, is created to read:

945.703 Powers and duties of Correctional Education Advisory Board.—The purpose of the Correctional Education Advisory Board is to assist in the delivery of educational services for inmates in the Department of Corrections by advising the department regarding the selection and implementation of educational programs, special education programs, curriculum, staff qualifications, and staff training, and by advising the Governor and the Legislature on the status of the department's education delivery system. For this purpose, the board has the authority to:

(1) Develop and adopt curricula for correctional education programs in accordance with Department of Education standards for the delivery of educational services including, but not limited to, academic programs, vocational programs, and special education programs. Additionally, the board may review and make recommendations regarding intake and screening, classification of inmates for educational services testing, and all other matters relating to the education of inmates.

(2) Develop and recommend, in cooperation with the department, to the Governor and the Legislature an annual budget for all or part of the operation of the prison education delivery system.

(3) In cooperation with the department, approve education programs of the appropriate levels and types in the correctional institutions for implementation by the department. The department shall have sole discretion regarding placement of approved education programs within its institutions.

(4) Review contracts between the department and third parties for educational services, and recommend any necessary provisions or changes.

(5) Ensure that adequate standards for the department's education delivery system are maintained.

(6) Review the projected educational needs of the inmate population to permit adequate planning and future allocation of resources.

(7) Review and approve all inservice and continuing education programs for all educational personnel.

(8) Identify and recommend to the department professional incentives that will be required to attract and retain qualified professional educational staff.

(9) Assist in the development and implementation of an educational services plan.

(10) Adopt an official seal and alter it at pleasure.

(11) Do all things necessary to carry out the purposes of this section.

(12) Recommend to the Legislature such performance and financial audits of the office of correctional education in the Department of Corrections as the board considers advisable.

Section 19. (1) Effective July 1, 1995, the Correctional Education School Authority and the Board of Correctional Education established pursuant to s. 242.68, Florida Statutes, are hereby abolished, and all programs, functions, and responsibilities of the Correctional Education School Authority are hereby transferred by a type three transfer, as defined in s. 20.06(3), Florida Statutes, to the Department of Corrections. There is hereby established the Correctional Education Program Office within the department. The head of the Correctional Education Program Office shall be the Assistant Secretary for Correctional Education, appointed by the Secretary of Corrections who shall report directly to the Secretary of Corrections. The Correctional Education Advisory Board shall review the educational and professional credentials of the Assistant Secretary for Correctional Education and provide a copy of its findings and any recommendations regarding those credentials to the Secretary of Corrections prior to the appointment of the Assistant Secretary for Correctional Education.

(2) The Department of Corrections shall continue to provide education programs and services to inmates within the state correctional system. All property assigned to the Correctional Education School Authority, unexpended balances of appropriations or allocations of other funds, programs, activities, and functions of Correctional Education School Authority shall be assigned to the Department of Corrections by July 1, 1995.

Section 20. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike the entire title and insert: A bill to be entitled An act relating to corrections; amending s. 944.10, F.S.; providing legislative intent to expedite the siting and construction of correctional facilities; prescribing additional powers of the Department of Corrections relating to the acquisition of lands for correctional facilities; exempting the department from specified guidelines relating to land appraisals; allowing the department to enter into an option contract before an appraisal is obtained; amending s. 945.27, F.S.; providing for acquisition of private property by eminent domain for construction of new correctional facilities; amending s. 253.025, F.S.; conforming provisions relating to land acquisition to the amendments by this act; amending s. 163.3187, F.S.; allowing a comprehensive plan to be amended to provide for the location of a state correctional facility without that amendment counting against the annual limit on plan amendments; amending s. 945.215, F.S.; requiring the Department of Corrections to submit a report; specifying the purposes of the fund; requiring a performance audit by the Auditor General; providing for investment by the Treasurer; amending s. 20.315, F.S.; creating the position of Assistant Secretary for Correctional Education and providing duties, including budget request duties, and deleting reference to the Correctional Education School Authority; amending and renumbering s. 242.68, F.S.; deleting the Correctional Education School Authority and the Board of Correctional Education and requiring the department to operate the correctional education program; providing duties and contracting procedures; requiring contracts to be pursuant to chapter 287, F.S., and requiring certain education information procedures, including appropriate staffing and inmate assessments; requiring written policies and rulemaking; expanding the inmate group for educational programming, and requiring individual education plans; authorizing additional incentive gain-time for educational attainment; authorizing donations; requiring appointment of education program managers at correctional institutions; providing for administrative and instructional educational personnel; revising provisions relating to funding; limiting indirect cost charges on contracts with other state agencies; requiring review of evaluations by the Correctional Education Advisory Board; amending ss. 110.205, 229.565, 232.2481, 447.203, 775.16, 893.11, 944.023, and 958.19, F.S., relating to career service exemptions, educational evaluation procedures, graduation and promotion requirements for public schools, labor organizations, additional penalties on drug offenses, business and professional licenses, comprehensive correctional master plan, and the Youth Corrections Program, to conform; creating s. 945.702, F.S.; creating the Correctional Education Advisory Board within the department and providing for membership, terms, procedure, and expenses; creating s. 945.703, F.S.; providing powers and duties of the advisory board; providing for transfer of programs, functions, duties, and funds from the Correctional Education School Authority and the Board of Correctional Education to the department; providing for future review and repeal of provisions relating to the advisory board; providing an effective date.

Senators Burt and Grogan offered the following amendment which was moved by Senator Burt and adopted:

Senate Amendment 1 (with Title Amendment) to Substitute House Amendment 1—On page 5, line 16 through page 40, line 10, strike all of said lines and insert:

Section 5. Subsection (1) of section 945.215, Florida Statutes, is amended to read:

945.215 Inmate welfare and employee benefit trust funds.—

(1)(a) All moneys held in any auxiliary, canteen, welfare, or similar fund in any state institution under the jurisdiction of the Department of Corrections shall be deposited in the Inmate Welfare Trust Fund of the department, which fund is created in the State Treasury, to be appropriated annually by the Legislature and deposited in the Department of Corrections Grants and Donations Trust Fund. However, moneys budgeted by the department for the purchase of items for resale at canteens or vending machines must be deposited into local bank accounts designated by the department. The department shall submit to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year a report that documents the receipts and expenditures from the Inmate Welfare Trust Fund for the previous fiscal year. The report must present this information by program, by institution, and by type of receipt. ~~or in a place which the department shall designate. The money in this fund is hereby appropriated for the benefit, education, and general welfare of inmates of any state institution under the jurisdiction of the department, including but not limited to the establishment of, maintenance of, employment of personnel for, and the purchase of items for resale at canteens or vending machines maintained at state institutions and for the establishment of, maintenance of, employment of personnel for, and necessary expenses in connection with the operation of hobby shops, recreational facilities, or other like facilities or programs at the institutions under the jurisdiction of the department.~~

(b) Effective for the expenditure of funds by the Department of Corrections for fiscal year 1994-1995 and, if required by subsection (1), beginning with the legislative appropriation for fiscal year 1995-1996 and thereafter, the money in the Inmate Welfare Trust Fund must be used exclusively:

1. To purchase items for resale at the inmate canteens or vending machines maintained at the correctional facilities;
2. To employ personnel and inmates to manage, supervise, and operate the canteens and vending machines at the correctional facilities;
3. For operating and fixed-capital expenses associated with the operation of inmate canteens and vending machines;
4. To employ personnel to manage and supervise the proceeds from telephone commissions;
5. To employ personnel for correctional education to provide literacy programs, vocational training, and academic programs that comply with standards of the Department of Education;
6. For operating and fixed-capital expenses associated with the delivery to inmates of literacy programs, vocational training, and academic programs that comply with standards of the Department of Education;
7. For operating and fixed-capital expenses associated with the operation of inmate chapels, libraries, and visiting pavilions;
8. To employ personnel to operate the libraries, chapels, and visiting pavilions;
9. For expenses associated with various inmate clubs; and
10. For expenses associated with legal services for inmates.

Effective for fiscal year 1994-1995 and thereafter, the total annual expenditures for items listed in subparagraphs 5. and 6. must exceed the total annual expenditures for items listed in subparagraphs 7. through 10. Beginning in fiscal year 1994-1995, funds in the Inmate Welfare Trust Fund or any other fund may not be used to purchase cable television service, to rent or purchase video cassettes, video cassette recorders, or other audio-visual or electronic equipment used primarily for recreation purposes. This paragraph does not preclude the purchase or rental of electronic or audio-visual equipment for inmate training or educational programs.

(c)(b) There shall be deposited in the Inmate Welfare Trust Fund all net proceeds from the operation of canteens, vending machines, hobby shops, and other such facilities and any moneys which may be assigned by the inmates or donated to the department by the general public or an inmate service organization for deposit in the fund. However, the department shall refuse to accept any donations from or on behalf of any individual inmate. The moneys of the fund shall constitute a trust held by the department for the benefit and welfare of the inmates of the institutions under the jurisdiction of the department.

(d)(e) Any contraband found upon, or in the possession of, any inmate in any institution under the jurisdiction of the department shall be confiscated and liquidated, and the proceeds thereof shall be deposited in the Inmate Welfare Trust Fund of the department.

(e)(d) The secretary of the department or his designee may invest in the manner authorized by law for fiduciaries any money in the Inmate Welfare Trust Fund of the department that in his opinion is not necessary for immediate use, and the interest earned and other increments derived from such investments made pursuant to this section shall be deposited in the Inmate Welfare Trust Fund of the department.

Section 6. The Auditor General shall conduct a performance audit of the Inmate Welfare Trust Fund and its institution-based accounts and submit his findings to the Legislature by January 1, 1995.

Section 7. (1)(a) Effective October 1, 1994, for each nonemergency visit by an inmate to a health care provider which visit is initiated by the inmate, the inmate must make a copayment of not less than \$1 or more than \$5, as set by rule by the Department of Corrections. A copayment may not be charged for the required initial medical history and physical examination of the inmate.

(b) The copayment for an inmate's health care must be deducted from any existing balance in the inmate's bank account. If the account balance is insufficient to cover the copayment, 50 percent of each deposit to the account must be withheld until the total amount owed has been paid.

(c) The proceeds of each copayment must be deposited in the General Revenue Fund.

(d) The department may waive all or part of the copayment for an inmate's visit to a health care provider if the health care:

1. Is provided in connection with an extraordinary event that could not reasonably be foreseen, such as a disturbance or a natural disaster;
2. Is an institution-wide health-care measure that is necessary to address the spread of specific infectious or contagious diseases;
3. Is provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another jurisdiction which precludes assessing such a copayment; or
4. Was initiated by the health care provider or consists of routine followup care.

(2) The department may provide by rule for a supplemental copayment for a medical consultation relating to an inmate's health care and occurring outside the prison or for a prosthetic device for an inmate. The supplemental copayment must be used to defray all or part of the security costs associated with the surveillance and transport of the inmate to the outside consultation or with the fitting and maintenance of the prosthetic device. The proceeds of each supplemental copayment must be deposited into the General Revenue Fund.

(3)(a) An inmate may not be denied access to health care as a result of not paying any copayment or supplemental copayment that is provided for in this section.

(b) An inmate must not be given preferential access to health care as a result of paying any copayment or supplemental copayment that is provided for in this section.

(c) The expenses and operating capital outlay required to develop, implement, and maintain the medical copayment accounting system must be appropriated from the Inmate Welfare Trust Fund. The fiscal assistants and accountants at the correctional facilities funded from the Inmate Welfare Trust Fund are, in addition to their duties relating to the inmate canteen and bank, responsible for managing the medical copayment system.

Section 8. Section 242.68, Florida Statutes, is hereby repealed on July 1, 1996.

Section 9. Unless otherwise provided for in this act, this bill shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 41, line 14 through page 43, line 1, strike all of said lines and insert: investment by the Treasurer; amending s. 945.215, F.S.; requiring moneys in the trust fund to be annually appropriated by the Legislature; requiring the Department of Corrections to submit a report; specifying the purposes for which the funds may be used; prohibiting the purchase of certain audio-visual and electronic equipment with the funds; requiring a performance audit by the Auditor General; requiring an inmate who initiates a nonemergency visit to a health care provider to make a copayment; providing procedures; providing exceptions; prescribing duties of the Department of Corrections; allowing the department to waive all or part of the copayment in specified circumstances; providing for the deposit of the proceeds from such copayments into the General Revenue Fund; providing for supplemental copayments for specified purposes; providing for the deposit of proceeds from such supplemental copayments into the General Revenue Fund; prohibiting the denial of health care in specified circumstances; prohibiting preferential access to health care in specified circumstances requiring appropriations from the Inmate Welfare Trust Fund and prescribing responsibilities for managing the medical copayment system; repealing s. 242.68, F.S., which provides for the education state prisoners by the Correctional Education School Authority; providing an effective

On motion by Senator Burt, the Senate concurred in **Substitute House Amendment 1** as amended and requested the House to concur in the Senate amendment to the House amendment.

CS for SB 1320 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1362 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1362—A bill to be entitled An act relating to the Indian River Lagoon System and Basin; amending s. 2, ch. 90-262, Laws of Florida; authorizing the Department of Environmental Protection to grant extensions to the deadline for eliminating sewage treatment facility discharges into the Indian River Lagoon System; prescribing criteria that the department must follow in granting an extension; providing for the duration of an extension; updating the name of the department; providing an effective date.

House Amendment 1—On page 3, strike line 20 and insert: *period of up to 9 months after July 1, 1995, within which to*

On motion by Senator Grogan, the Senate concurred in the House amendment.

SB 1362 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35 Nays—3

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1540 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1540—A bill to be entitled An act relating to education; establishing incentives for urban or socially and economically disadvantaged area internships for students at state universities; providing an effective date.

House Amendment 1 (with Title Amendment)—Strike every-thing after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 240.115, Florida Statutes, is amended to read:

240.115 Articulation agreement; acceleration mechanisms.—

(1)

(b) Any student who transfers among *regionally accredited* postsecondary institutions that participate in the common course designation and numbering system shall be awarded credit by the receiving institution for courses satisfactorily completed by the student at the previous institutions if the courses are judged by the appropriate common course designation and numbering system faculty task force to be equivalent to courses offered at the receiving institution. The award of credit may be limited to courses that are entered in the common course designation and numbering system. Credits awarded pursuant to this subsection shall satisfy institutional requirements on the same basis as credits awarded to native students.

Section 2. Subsection (4) of section 240.147, Florida Statutes, is amended, and subsections (15) and (16) are added to said section, to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. *In making recommendations, the commission shall consider the annual report on limited access programs submitted by the Board of Regents pursuant to s. 240.209(3)(r). Each program shall be reviewed, with the cooperation of the institution, every 5 years.*

(15) *In consultation with the Independent Colleges and Universities of Florida, recommend to the Legislature accountability measures and an accountability process for independent institutions that participate in the Florida resident access grant program. The process shall make use of existing information submitted to the federal and state governments. The process shall provide for an assessment of the benefits and cost-effectiveness of the Florida resident access grant program in providing state residents with access to 4-year college programs and with the successful completion of a baccalaureate degree. The commission shall provide oversight of this accountability process.*

(16) *Periodically review the design and implementation of the accountability processes and reports of the State University System, State Community College System, and public and independent postsecondary institutions. At least every 5 years, evaluate the extent to which each plan is contributing to the achievement of state goals for postsecondary education and report to the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives with recommendations on any changes needed in the accountability process or plans.*

Section 3. Paragraph (e) of subsection (3) of section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) *Establish student fees.*

1. *By no later than December 1 of each year, the board shall raise set the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but which will produce no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of non-resident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee*

increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. *When the appropriations act requires a new fee schedule* If the Legislature provides for an alternative fee calculation in an appropriations act, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment unless otherwise provided in the General Appropriations Act.

3. *Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214(2) and for implementing a Board of Regents approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a university-wide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.*

4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his eligibility assessed on the same criteria that was used at the time of his original award.

5. *The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.*

Section 4. Section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. The accountability process shall result in an annual accountability report to the Legislature. ~~be implemented in incremental phases, as follows:~~

(1) *The annual accountability report shall include goals and measurable objectives related to the systemwide master plan pursuant to s. 240.209. No later than December 31, 1991, and annually thereafter, the board shall submit to the Legislature an evaluation of the production of classroom contact hours at each university pursuant to s. 240.243. The evaluation must include a specific analysis of the contact hour expectations resulting from the multiplication of the requirements of s. 240.243 by the instructional man years generated through the legislative enrollment formula. The analysis must, in addition, include the contact hour expectations resulting from the multiplication of 84 percent of the positions provided for undergraduate enhancement by the contact hour requirements of s. 240.243. The board may also conduct this analysis using alternative formulas. The board shall recommend to the Legislature any appropriate modifications to this section, s. 240.243, or other current policies. These recommendations shall be included in the annual accountability report submitted pursuant to subsection (3). The reports developed pursuant to this section shall be designed in consultation with the Legislature.*

(2) *By October 1, 1991, the Board of Regents shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives, a plan for the implementation of the balance of the State University System accountability process. The plan shall be designed in consultation with the Legislature, the Governor's Office, and the Office of the Auditor General. The plan must provide a timetable that identifies the specific performance standards and related goals to be implemented each year and must provide for full implementation of the accountability process by December 31, 1993. The plan must also identify the data files that will be used to substantiate achievement of performance goals. If it is necessary to develop new data files or modify existing files, the plan must describe the content of such files and include a sample file format. The plan must include, at a minimum, objectives related to data on the following measures performance standards:*

(a) ~~Total student credit hours produced, by institution and by discipline;~~

(b) ~~Total number of degrees awarded, by institution and by discipline;~~

(b)(e) Total number of contact hours of instruction produced by faculty, by institution, rank, and course level;

(c)(d) Pass rates on professional licensure examinations, by institution;

(d)(e) Institutional quality as assessed by followup, such as analyses of employment information on former students, national rankings, and surveys of alumni, parents, clients, and employers;

(e)(f) Length of time and number of academic credits required to complete an academic degree, by institution and by degree;

(f)(g) Enrollment, progression, retention, and graduation rates by race and; gender, and disability;

(g)(h) Student course demand analysis; and

(i) ~~Classroom utilization.~~

(h) *An analysis of administrative and support functions;*

(i) *Every 3 years, beginning 1995-1996, an analysis of the cumulative debt of students; and*

(j) *An evaluation of the production of classroom contact hours at each university in comparison to a standard of 12 contact hours per term or 32 contact hours per year for each full-time instructional position and the level of funding provided for instruction.*

(2)(3) *By December 31 of each year, Beginning December 1, 1992, the Board of Regents shall submit the an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the and achievement of performance goals during the prior year, and initiatives to be undertaken during the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of the Auditor General, and the Legislature.*

(3) *The Board of Regents shall recommend in the annual accountability report any appropriate modifications to this section.*

Section 5. Section 240.2145, Florida Statutes, is amended to read:

240.2145 State University System accountability process; annual evaluation.—Beginning January 1, 1993, the Board of Regents shall conduct an annual evaluation of the performance of the Chancellor and the state university presidents in achieving the performance goals established in the State University System accountability process plan provided in s. 240.214.

Section 6. Subsection (9) is added to section 240.235, Florida Statutes, to read:

240.235 Fees.—

(9) *The Board of Regents may establish rules to allow for the waiver of out-of-state fees for nondegree-seeking students enrolled at State University System institutions if the earned student credit hours generated by such students are nonfundable and the direct cost for the program of study is recovered from the fees charged to all students.*

Section 7. Subsections (2), (4), and (5) of section 240.271, Florida Statutes, are amended to read:

240.271 State University System; funding.—

(2) In addition to enrollment-based appropriations, categorical programs shall be established in the State University System which are not directly related to *planned* student enrollment. Such programs shall be based upon the assigned missions of the institutions and shall include, but not be limited to, research and public service programs *and authority to spend fee revenues collected pursuant to subsection (5) and s. 240.209(3)(e)*. Appropriations by the Legislature and allocations by the board shall be based upon full costs, as determined pursuant to subsection (1), and priorities established by the Legislature.

(4) The Board of Regents shall establish *and validate* a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. The report shall include total expenditures from all sources and shall be in such detail as needed to support the legislative budget request.

(5)(a) ~~If the actual enrollment for any university is less than the planned enrollment by 0 to 5 percent for any fiscal year, the university shall receive full funding as allocated. If the actual enrollment for any university is less than planned enrollment by more than 5 percent for any 2 consecutive fiscal years year, the allocation of the university enrollment plan for the next year for instruction shall be reduced. proportionately to the difference between 5 percent and the actual percentage reduction in enrollment for any fiscal year. All such reductions in university allocations shall be reallocated in the fourth quarter of the fiscal year to all universities on a proportional basis based on actual enrollment by level, not including actual enrollment in excess of planned enrollment. If actual enrollment exceeds planned target enrollment by more than 5 percent, there shall be no increased allocation, and an explanation of the excess shall be provided with the next year's enrollment plan. The analysis of enrollment conducted for implementing this subsection shall be based on the categories of enrollment used in the education and general appropriation.~~

(b) *Beginning in fiscal year 1995-1996, and as authorized in the General Appropriations Act, the Board of Regents shall allocate to each university the student fees collected by the university other than revenues generated by enrollment growth in excess of 5 percent above planned enrollment.*

Section 8. Subsection (7) of section 240.4085, Florida Statutes, is amended to read:

240.4085 Florida Student Tuition Scholarship Grant Fund.—

(7) No student receiving an award pursuant to s. 240.402 shall be eligible to receive a Florida Student Tuition Scholarship Grant. No student receiving a Florida Student Tuition Scholarship Grant shall receive a student assistance grant pursuant to s. 240.409, s. 240.4095, or s. 240.4097 unless he is eligible for such award after the Florida Student Tuition Scholarship Grant has been considered by the department when conducting an assessment of the financial resources available to the student. A student receiving a Florida Student Tuition Scholarship Grant shall not be eligible to receive payment or credit from any other state-funded program established specifically to provide for payment of tuition and fees, except a student assistance grant as provided in s. 240.409, s. 240.4095, or s. 240.4097 and a *Florida resident access grant state-tuition-voucher* as provided in s. 240.605.

Section 9. Subsection (4) of section 240.4093, Florida Statutes, is amended to read:

240.4093 Vocational Student Assistance Grant Fund; eligibility for grants.—

(4) A student may not receive simultaneously a vocational student assistance grant and any other form of student assistance grant ~~or tuition voucher~~ provided pursuant to s. 240.409, s. 240.4095, or s. 240.4097, or a *Florida resident access grant provided pursuant to s. 240.605*.

Section 10. Subsection (2) of section 240.414, Florida Statutes, is amended to read:

240.414 Latin American and Caribbean Basin Scholarship Program.—

(2) The institutions that are eligible to participate in the scholarship program include the state universities and community colleges authorized by Florida law and any independent institutions eligible to participate in the *Florida resident access grant state-tuition-voucher* program pursuant to s. 240.605. No college or university may receive more than 25 percent of the funds appropriated in any year. Institutions and the appropriate administrative agency shall seek matching funds from private businesses, public foundations, and other agencies.

Section 11. Paragraph (a) of subsection (5) of section 240.4145, Florida Statutes, is amended to read:

240.4145 African and Afro-Caribbean Scholarship Trust Fund.—

(5)(a) An institution is eligible to participate under this section if it is located in this state and is either a state university, a community college, or an independent institution eligible to participate in the *Florida resident access grant state-tuition-voucher* program.

Section 12. Section 240.605, Florida Statutes, is amended to read:

240.605 Florida resident access grants ~~State-tuition-vouchers~~.

(1) The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the *Florida resident access grant state-tuition-voucher* program are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of independent nonprofit colleges and universities reduces the tax burden on the citizens of the state. Because the *Florida Resident Access Grant State-Tuition-Voucher Fund* is not related to a student's financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the *Florida Resident Access Grant State-Tuition-Voucher Fund* not be considered a financial aid program but rather a tuition assistance program for its citizens.

(2) There is created the *Florida Resident Access Grant State-Tuition-Voucher Fund* to be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of such fund.

(3) The department shall issue from the fund a *Florida resident access grant tuition-voucher* to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; which is not a state university or state community college; and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect. Any independent college or university that was eligible to receive tuition vouchers on January 1, 1989, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive *Florida resident access grant tuition-voucher* payments.

(4) A person is eligible to receive such *Florida resident access grant tuition-voucher* if:

(a) He meets the general requirements, including residency, for student eligibility as provided in s. 240.404, except as otherwise provided in this section; and

(b)1 He is enrolled as a full-time undergraduate student at an eligible college or university;

2. He is not enrolled in a program of study leading to a degree in theology or divinity; and

3. He is making satisfactory academic progress as defined by the college or university in which he is enrolled.

(5)(a) *Funding for the Florida resident access grant shall be based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 240.271. The annual percentage adjustment in the State Tuition Voucher Fund must equal the percentage adjustment of state funding in the Instruction and Research/Educational and General Appropriation Category in the State University System, but the adjustment may not exceed 10 percent in a given year.* However, the amount of the *Florida resident access grant tuition-voucher* issued to a full-time student shall be no less

than \$1,150 and no more than 40 percent of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to s. 240.209 or as specified in the General Appropriations Act. The *Florida resident access grant tuition voucher* may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 240.404(3).

(b) If the combined amount of the *Florida resident access grant tuition voucher* issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the *Florida resident access grant tuition voucher* issued pursuant to this act by an amount equal to such excess.

Section 13. Subsection (1) of section 246.013, Florida Statutes, is amended to read:

246.013 Participation in the common course designation and numbering system.—

(1) Nonpublic colleges and schools that have been issued a regular license and that are fully accredited by a member of the *Commission on Colleges of the Southern Association of Colleges and Schools Council on Postsecondary Accreditation* and accredited nonpublic postsecondary colleges exempt from state licensure pursuant to s. 246.085(1)(a) may participate in the common course designation and numbering system. Participating colleges and schools shall bear the costs associated with inclusion in the system and shall meet the terms and conditions for institutional participation in the system. The department shall adopt a fee schedule that includes the expenses incurred through data processing, faculty task force travel and per diem, and staff and clerical support time. Such fee schedule may differentiate between the costs associated with initial course inclusion in the system and costs associated with subsequent course maintenance in the system. Any college that participated in the system prior to July 1, 1986, shall not be required to pay the costs associated with initial course inclusion in the system. Fees collected for participation in the common course designation and numbering system pursuant to the provisions of this section shall be deposited in the Institutional Assessment Trust Fund created by s. 246.31. *The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the Florida resident access grant program pursuant to s. 240.605 are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. Any independent college or university that is eligible to participate in the Florida resident access grant program shall not be required to pay the costs associated with participation in the common course designation and numbering system.*

Section 14. Paragraph (r) of subsection (1) of section 246.041, Florida Statutes, is amended to read:

246.041 Powers and duties of board.—

(1) The board shall:

(r) Provide information and documentation on an annual basis to the Office of Student Financial Assistance of the Department of Education regarding the requirements set forth for nonpublic colleges in s. 240.605, relating to *Florida resident access grants state tuition vouchers*, s. 240.607, relating to access grants for community college graduates, and s. 240.609, relating to Florida postsecondary endowment grants.

Section 15. Subsection (4) of section 240.2601, Florida Statutes, is amended to read:

240.2601 State University System Facility Enhancement Challenge Grant Program.—

(4) No project shall be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the trust fund and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eli-

gible facility. *However, these requirements shall not preclude the university from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics and/or models, for use in its efforts to raise private funds for a facility. Additionally, any private sources of funds expended for this purpose are eligible for state matching funds should the project materialize as provided for in this section.*

Section 16. *The Legislature establishes incentives for urban or socially and economically disadvantaged area internships to give university students the opportunity to study the social, economic, educational, and political life of inner cities in metropolitan or socially and economically disadvantaged areas of the state. The incentives are for internships that are open to students in all disciplines, including business, education, physical science, social science, the liberal arts, and the fine arts. Incentives may be given to any state university. Incentives must be for one semester's duration, or more, in which an intern may earn up to 12 hours of credit for the internship. Student interns must work in teams to address a specific urban or socially and economically disadvantaged area social problem or carry out an urban or socially and economically disadvantaged area social program. The results of each team's work must be published in a report and distributed to the colleges of education in the State University System.*

Section 17. This act shall take effect July 1, 1994.

And the title is amended as follows:

Strike the entire title and insert: A bill to be entitled An act relating to postsecondary education; amending s. 240.115, F.S.; revising provisions relating to transfer of credit; amending s. 240.147, F.S.; requiring certain reports to be considered when making recommendations for contracts with independent institutions; providing additional duties of the Postsecondary Education Planning Commission relating to accountability processes; amending s. 240.209, F.S.; revising provisions relating to the setting of fees by the Board of Regents; authorizing approval of certain alternative fee schedules; amending s. 240.214, F.S.; revising provisions of the State University System accountability process; providing additional plan and report requirements; amending s. 240.215, F.S.; conforming provisions; amending s. 240.235, F.S.; authorizing the waiver of certain fees; amending s. 240.271, F.S.; revising provisions relating to categorical programs and allocations based on planned enrollments; providing for allocation of certain student fees; amending s. 240.605, F.S.; changing the state tuition voucher program to the Florida resident access grant program and revising funding provisions; amending ss. 240.4085, 240.4093, 240.414, 240.4145, and 246.041, F.S.; conforming provisions, amending s. 246.013, F.S.; correcting a reference; revising requirements for payment of costs for participation in common course designation and numbering system by nonpublic schools; amending s. 240.2601, F.S.; revising provisions relating to funding requirements for the State University System Facility Enhancement Challenge Grant Program; establishing incentives for urban or socially and economically disadvantaged area internships for students at state universities; providing an effective date.

On motion by Senator Holzendorf, the Senate concurred in the House amendment.

CS for SB 1540 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

MOTION TO RECONSIDER

On motion by Senator Holzendorf, the Senate reconsidered the vote by which **CS for SB 1540** passed as amended.

MOTION

On motion by Senator Crenshaw, by two-thirds vote **CS for SB 1540** in returning messages, after reconsideration, was referred to the Committee on Appropriations.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1546 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1546—A bill to be entitled An act relating to governmental accountability; amending s. 20.055, F.S.; abolishing the position of agency chief internal auditor and creating the position of inspector general in each state agency; prescribing the duties of that office with respect to ensuring accountability, integrity, and efficiency in agency performance; creating s. 14.32, F.S.; creating the position of Chief Inspector General in the Executive Office of the Governor and prescribing duties of that position; providing for agency inspectors general to assume other statutory duties of agency chief internal auditors not specifically addressed in this act; providing for a reviser's bill; amending s. 20.02, F.S.; limiting the number of departments that may be established by law; amending s. 20.03, F.S.; modifying definitions of terms relating to the structure of the executive branch; amending ss. 20.04, 20.05, F.S.; adding definitions; removing obsolete provisions; requiring the Executive Office of the Governor to keep certain organizational charts; transferring provisions pertaining to the Governor's appointment of the Lieutenant Governor as the head of a department; revising provisions regarding the powers and duties of department heads; specifying that secretaries appointed by the Governor to serve as heads of departments be confirmed by the Senate; creating s. 20.051, F.S.; providing criteria for reviews of programs, functions, and entities of the executive branch; creating s. 20.052, F.S.; providing procedures regarding the creation of advisory bodies, commissions, and boards of trustees; providing for senate confirmation of members of commissions and boards of trustees; amending s. 20.06, F.S.; revising provisions pertaining to transfer types for reorganization of agencies; amending s. 20.41, F.S.; providing that the Secretary of the Department of Elderly Affairs be confirmed by the Senate; providing an exception from the provisions of section 11 of this act in specified circumstances; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 14, line 20, through page 25, line 2, strike all of said lines and insert:

Section 7. Section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general ~~chief internal auditors.~~

(1) For the purposes of this section:

(a) "State agency" means each department created pursuant to chapter 20, and also includes the Executive Office of the Governor, the Department of Military Affairs, the Parole Commission, the Board of Regents, the Game and Fresh Water Fish Commission, the Public Service Commission, and the state courts system.

(b) "Agency head" means the Governor, a Cabinet officer, a secretary as defined in s. 20.03(5), or an executive director as defined in s. 20.03(6). It also includes the chairman of the Public Service Commission and the Chief Justice of the State Supreme Court.

~~(c) "Chief internal auditor" means the person appointed by the agency head to direct the internal audit function for the state agency.~~

(2) *The Office of Inspector General is hereby established in each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. It shall be the duty and responsibility of each inspector general, with respect to the state agency in which the office is established, to:*

(a) Advise in the development of performance measures, standards, and procedures for the evaluation of state agency programs.

(b) Assess the reliability and validity of the information provided by the state agency on performance measures and standards, and make recommendations for improvement, if necessary.

(c) Review the actions taken by the state agency to improve program performance and meet program standards and make recommendations for improvement, if necessary.

(d) Provide direction for, supervise, and coordinate audits, investigations, and management reviews relating to the programs and operations of the state agency, except that when the inspector general does not possess the qualifications specified in subsection (4), the director of auditing shall conduct such audits.

(e) Conduct, supervise, or coordinate other activities carried out or financed by that state agency for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

(f) Keep such agency head informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the state agency, recommend corrective action concerning fraud, abuses, and deficiencies, and report on the progress made in implementing corrective action.

(g) Ensure effective coordination and cooperation between the Auditor General, federal auditors, and other governmental bodies with a view toward avoiding duplication.

(h) Review, as appropriate, rules relating to the programs and operations of such state agency and make recommendations concerning their impact.

(i) Ensure that an appropriate balance is maintained between audit, investigative, and other accountability activities.

~~(3)(a)(2) The inspector general Each state agency shall employ a chief internal auditor who shall be appointed by and directly responsible to the agency head. For agencies under the direction of the Governor, the appointment shall be made after notifying the Governor in writing, at least 7 days prior to an offer of employment, of the agency head's intention to hire the inspector general.~~

(b) Each inspector general shall report to and be under the general supervision of the agency head and shall not be subject to supervision by any other employee of the state agency. The inspector general shall be appointed without regard to political affiliation.

(c) An inspector general may be removed from office by the agency head. For agencies under the direction of the Governor, the agency head shall notify the Governor, in writing, of the intention to terminate the inspector general at least 7 days prior to the removal. For state agencies under the direction of the Governor and Cabinet, the agency head shall notify the Governor and Cabinet in writing of the intention to terminate the inspector general at least 7 days prior to the removal.

(d) The agency head shall not prevent or prohibit the inspector general or director of auditing from initiating, carrying out, or completing any audit or investigation.

~~(4)(3) To ensure that state agency audits are performed in accordance with applicable auditing standards, the inspector general or the director of auditing within the inspector general's office shall possess the following qualifications. The chief internal auditor shall possess the following qualifications:~~

(a) A bachelor's degree from an accredited college or university with a major in accounting, or with a major in business which includes five courses in accounting, and 5 years of experience as an internal auditor or independent postauditor, electronic data processing auditor, accountant, or any combination thereof. The experience shall at a minimum consist of audits of units of government or private business enterprises, operating for profit or not for profit; or

(b) A master's degree in accounting, business administration, or public administration from an accredited college or university and 4 years of experience as required in paragraph (a); or

(c) A certified public accountant license issued pursuant to chapter 473 or a certified internal audit certificate issued by the Institute of Internal Auditors or earned by examination, and 4 years of experience as required in paragraph (a).

~~(5)(4) In carrying out the auditing duties and responsibilities of this act, each inspector general The chief internal auditor shall review and evaluate internal controls necessary to ensure the fiscal accountability of the state agency. The inspector general chief internal auditor shall conduct financial, compliance, electronic data processing, and performance audits of the agency and prepare audit reports of his findings. The scope and assignment of the audits shall be determined by the inspector gen-~~

~~eral chief internal auditor~~; however, the agency head of the agency may at any time direct the ~~inspector general chief internal auditor~~ to perform an audit of a special program, function, or organizational unit. The performance of the audit shall be under the direction of the ~~inspector general~~, except that if the ~~inspector general~~ does not possess the qualifications specified in subsection (4), the director of auditing shall perform the functions listed in this subsection ~~chief internal auditor~~.

(a) Such audits shall be conducted in accordance with the current Standards for the Professional Practice of Internal Auditing and subsequent Internal Auditing Standards or Statements on Internal Auditing Standards published by the Institute of Internal Auditors, Inc., or, where appropriate, in accordance with generally accepted governmental auditing standards. All audit reports issued by internal audit staff shall include a statement that the audit was conducted pursuant to the appropriate standards.

(b) Audit workpapers and reports shall be public records to the extent that they do not include information which has been made confidential and exempt from the provisions of s. 119.07(1) pursuant to law. However, when the ~~inspector general chief internal auditor~~ or a member of the his staff receives from an individual a complaint or information that falls within the definition provided in s. 112.3187(5), the name or identity of the individual shall not be disclosed to anyone else ~~other than the chief internal auditor~~ without the written consent of the individual, unless the ~~inspector general chief internal auditor~~ determines that such disclosure is unavoidable during the course of the audit or investigation. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(c) The ~~inspector general chief internal auditor~~ and the his staff shall have access to any records, data, and other information of the state agency he deems necessary to carry out his duties. The ~~inspector general~~ is also authorized to request such information or assistance as may be necessary from the state agency or from any federal, state, or local government entity.

(d)(5) At the conclusion of each audit, the ~~inspector general chief internal auditor~~ shall submit his preliminary findings and recommendations to the person responsible for supervision of the program function or operational unit who shall respond to any adverse findings of the ~~chief internal auditor~~ within 20 working days after receipt of the tentative findings. Such response and the ~~inspector general's chief internal auditor's~~ rebuttal to the response shall be included in the final audit report.

(e)(6) The ~~inspector general chief internal auditor~~ shall submit the final report to the agency head of the agency and to the Auditor General.

(f)(7) The Auditor General, in connection with the his independent postaudit of the same agency pursuant to s. 11.45, shall give appropriate consideration to internal audit reports and the resolution of findings therein. The Legislative Auditing Committee may inquire into the reasons or justifications for failure of the agency head to correct the deficiencies reported in internal audits that are also reported by the Auditor General and shall take appropriate action. The Auditor General shall also review a sample of each agency's internal audit reports at least once every 3 years to determine compliance with current Standards for the Professional Practice of Internal Auditing or, if appropriate, generally accepted governmental auditing standards. If the Auditor General finds that these standards have not been complied with, the Auditor General he shall include a statement of this fact in the his audit report of the agency.

(g)(8) The ~~inspector general chief internal auditor~~ shall monitor the implementation of the state agency's response to any audit of the state agency conducted by the Auditor General pursuant to s. 11.45. No later than 6 months after the Auditor General publishes a report of the his audit of the state agency, the ~~inspector general chief internal auditor~~ shall report to the agency head on the status of corrective actions taken. A copy of such report shall be filed with the Joint Legislative Auditing Committee.

(h) The ~~inspector general~~ shall develop long-term and annual audit plans based on the findings of periodic risk assessments. The plan shall show the individual audits to be conducted during each year and related resources to be devoted to the respective audits. For state agencies under the Governor, the audit plans shall be submitted to the Governor's Chief Inspector General. The plan shall be submitted to the agency head for approval. A copy of the approved plan shall be submitted to the Auditor General.

(6) In carrying out the investigative duties and responsibilities specified in this section, each inspector general shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government. For these purposes, each state agency shall:

(a) Receive complaints and coordinate all activities of the agency as required by the Whistle-blower's Act pursuant to ss. 112.3187-112.31895.

(b) Receive and consider the complaints which do not meet the criteria for an investigation under the Whistle-blower's Act and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the inspector general deems appropriate.

(c) Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the inspector general has reasonable grounds to believe there has been a violation of criminal law.

(d) Conduct investigations and other inquiries free of actual or perceived impairment to the independence of the inspector general or the inspector general's office. This shall include freedom from any interference with investigations and timely access to records and other sources of information.

(e) Submit in a timely fashion final reports on investigations conducted by the inspector general to the agency head, except for whistle-blower's investigations, which shall be conducted and reported pursuant to s. 112.3189.

(7) Each inspector general shall, not later than September 30 of each year, prepare an annual report summarizing the activities of the office during the immediately preceding state fiscal year. The final report shall be furnished to the agency head. Such report shall include, but need not be limited to:

(a) A description of activities relating to the development, assessment, and validation of performance measures.

(b) A description of significant abuses and deficiencies relating to the administration of programs and operations of the agency disclosed by investigations, audits, reviews, or other activities during the reporting period.

(c) A description of the recommendations for corrective action made by the inspector general during the reporting period with respect to significant problems, abuses, or deficiencies identified.

(d) The identification of each significant recommendation described in previous annual reports on which corrective action has not been completed.

(e) A summary of each audit and investigation completed during the reporting period.

Section 8. Paragraph (b) of subsection (4) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.—

(4)

(b)1. The governing board of each water management district shall employ an ~~inspector general a chief internal auditor~~, who shall report directly to the board. However, the governing boards of the Suwannee River Water Management District and the Northwest Florida Water Management District may jointly employ an ~~inspector general~~, or provide for ~~inspector general internal audit~~ services by contract, or may enter into an interagency agreement to jointly employ with a state agency or water management district ~~inspector general a chief internal auditor~~.

2. An ~~inspector general A chief internal auditor~~ must have the qualifications prescribed and perform the applicable duties of state agency inspectors general as ~~conduct audits in the manner~~ provided in s. 20.055.

3. Within 45 days of the adoption of the final budget, the governing board shall submit a 5-year capital improvement plan and fiscal report for the district to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Department of Environmental Regulation. The capital improvement plan must include expected sources of revenue for planned improvements and shall be pre-

pared in a manner comparable to the fixed capital outlay format set forth in s. 216.043. The fiscal report shall cover the preceding fiscal year and shall include a summary statement of the financial operations of the district.

Section 9. Section 14.32, Florida Statutes, is created to read:

14.32 Office of Chief Inspector General.—

(1) There is created in the Executive Office of the Governor the Office of Chief Inspector General. The Chief Inspector General shall be responsible for promoting accountability, integrity, and efficiency in the agencies under the jurisdiction of the Governor. The Chief Inspector General shall be appointed by and serve at the pleasure of the Governor.

(2) The Chief Inspector General shall:

(a) Initiate, supervise, and coordinate investigations, recommend policies, and carry out other activities designed to deter, detect, prevent, and eradicate fraud, waste, abuse, mismanagement, and misconduct in government.

(b) Investigate, upon receipt of a complaint or for cause, any administrative action of any agency, the administration of which is under the direct supervision of the Governor, regardless of the finality of the administrative action.

(c) Request such assistance and information as may be necessary for the performance of the duties of the Chief Inspector General.

(d) Examine the records and reports of any agency the administration of which is under the direct supervision of the Governor.

(e) Coordinate complaint-handling activities with agencies.

(f) Coordinate the activities of the Whistle-blower's Act pursuant to chapter 112 and maintain the whistle-blower's hotline to receive complaints and information concerning the possible violation of law or administrative rules, mismanagement, fraud, waste, abuse of authority, malfeasance, or a substantial or specific danger to the health, welfare, or safety of the public.

(g) Report expeditiously to and cooperate fully with the Department of Law Enforcement, the Department of Legal Affairs, and other law enforcement agencies when there are recognizable grounds to believe that there has been a violation of criminal law or that a civil action should be initiated.

(h) Act as liaison with outside agencies and the federal government to promote accountability, integrity, and efficiency in state government.

(i) Act as liaison and monitor the activities of the inspectors general in the agencies under the Governor's jurisdiction.

(j) Review, evaluate, and monitor the policies, practices, and operations of the Executive Office of the Governor.

(k) Conduct special investigations and management reviews at the request of the Governor.

(3) The Chief Inspector General shall serve as the inspector general for the Executive Office of the Governor.

Section 10. Any powers, duties, functions, or activities of the chief internal auditor provided by any other specific statutory provision shall become the powers, duties, functions, and activities of the inspector general as defined in this act.

Section 11. The Division of Statutory Revision of the Joint Legislative Management Committee shall prepare a reviser's bill to conform the Florida Statutes to the changes made by this act relating to chief internal auditors and inspectors general.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, lines 3 through 16, strike all of said lines and on page 2, line 8, before "amending" insert: amending s. 20.055, F.S.; providing for an inspector general rather than chief internal auditor for each state agency; providing duties of inspectors general; providing for appointment and removal; providing qualifications; providing duties of state agencies; requiring reports; amending s. 373.079(4)(b), F.S.; providing for an inspector general rather than a chief internal auditor for each water man-

agement district; providing qualifications for said inspector general; creating s. 14.32, F.S.; creating the Office of Chief Inspector General within the Executive Office of the Governor; providing duties and responsibilities of the office; specifying that responsibilities of chief internal auditors are to become the responsibilities of inspectors general; directing the Division of Statutory Revision to prepare reviser's bills;

On motion by Senator Boczar, the Senate concurred in the House amendment.

SB 1546 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 1950, as amended, by the required Constitutional two-thirds vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1950—A bill to be entitled An act relating to the judiciary; amending s. 26.021, F.S.; providing a residency requirement for certain circuit judges; amending s. 26.031, F.S., increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S., increasing the number of judges in specified county courts; providing effective dates.

House Amendment 1 (with Title Amendment)—On page 1, line 11, strike everything after the enacting clause and insert:

Section 1. Section 26.021, Florida Statutes, is amended to read:

26.021 Judicial circuits; judges.—

(1) The first circuit is composed of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

(2) The second circuit is composed of Leon, Gadsden, Jefferson, Wakulla, Liberty, and Franklin Counties.

(3) The third circuit is composed of Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor Counties.

(4) The fourth circuit is composed of Clay, Duval, and Nassau Counties.

(5) The fifth circuit is composed of Citrus, Hernando, Lake, Marion, and Sumter Counties. Two of the circuit judges authorized for the fifth circuit shall reside in either Citrus, Hernando, or Sumter County, and neither of such two judges shall reside in the same county.

(6) The sixth circuit is composed of Pasco and Pinellas Counties.

(7) The seventh circuit is composed of Flagler, Putnam, St. Johns, and Volusia Counties. One judge shall reside in Flagler County; two judges shall reside in Putnam County; two judges shall reside in St. Johns County; and three judges shall reside in Volusia County. There shall be no residency requirement for any other judges in the circuit.

(8) The eighth circuit is composed of Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties.

(9) The ninth circuit is composed of Orange and Osceola Counties.

(10) The tenth circuit is composed of Hardee, Highlands, and Polk Counties.

(11) The eleventh circuit is composed of Dade County.

(12) The twelfth circuit is composed of Manatee, Sarasota, and DeSoto Counties.

(13) The thirteenth circuit is composed of Hillsborough County.

(14) The fourteenth circuit is composed of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.

(15) The fifteenth circuit is composed of Palm Beach County.

(16) The sixteenth circuit is composed of Monroe County. One judge in the circuit shall reside in the middle or upper Keys. There shall be no residency requirement for any other judge in the circuit.

(17) The seventeenth circuit is composed of Broward County.

(18) The eighteenth circuit is composed of Brevard and Seminole Counties.

(19) The nineteenth circuit is composed of Indian River, Martin, Okeechobee, and St. Lucie Counties.

(20) The twentieth circuit is composed of Charlotte, Collier, Glades, Hendry, and Lee Counties.

The judicial nominating commission of each circuit, in submitting nominations for any vacancy in a judgeship, and the Governor, in filling any vacancy for a judgeship, shall consider whether the existing judges within the circuit, together with potential nominees or appointees, reflect the geographic distribution of the population within the circuit, the geographic distribution of the caseload within the circuit, the racial and ethnic diversity of the population within the circuit, and the geographic distribution of the racial and ethnic minority population within the circuit.

Section 2. The provisions of Section 1 shall take effect July 1, 1994, but shall apply prospectively to the next vacancies within the second and eighth circuits.

Section 3. Subsections (5), (9), (11), (12), (14), and (18) of section 26.031, Florida Statutes, are amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL
(5) Fifth.....	17 16
(9) Ninth	29 27
(11) Eleventh.....	68 66
(12) Twelfth.....	16 15
(14) Fourteenth.....	8 7
(18) Eighteenth	20 19

Section 4. Subsections (6), (13), (16), (29), (50), (57), and (59) of section 34.022, Florida Statutes, are amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(6) Broward.....	22 21
(13) Dade.....	37 36
(29) Hillsborough	13 12
(50) Palm Beach.....	17 16
(57) Santa Rosa.....	2 1
(59) Seminole.....	5 4

Section 5. The judges filling new offices created by this act shall be elected in the nonpartisan elections held in 1994 and shall take office on the first Tuesday after the first Monday in January 1995.

Section 6. There is hereby appropriated to the State Courts System a lump sum in the amount of \$161,314 and four FTEs for fiscal year 1994-1995 from the General Revenue Fund to be used to implement the provisions of this act.

Section 7. This act shall take effect on the first Tuesday after the first Monday in January 1995, except that section 5 and this section shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike lines 3 through 9 and insert: 26.021, F.S.; requiring judicial nominating commissions to consider certain criteria with respect to appointees and nominees for vacancies in judgeships;

amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for election; providing an appropriation; providing effective dates.

On motion by Senator Weinstein, the Senate concurred in the House amendment.

CS for CS for SB 1950 passed as amended by the required constitutional two-thirds vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed SB 2018, as amended, by the required Constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2018—A bill to be entitled An act relating to trust funds; creating the Juvenile Justice Facility Construction and Operation Trust Fund within the Department of Juvenile Justice; providing for the deposit of certain court-imposed fees into the trust fund; providing a contingent effective date.

House Amendment 1—On page 1, strike lines 14-17 and insert: under chapter 39, Florida Statutes, for the care, support, and maintenance of a child placed in the care of, or committed to, the Department of Juvenile Justice, or an agent of the department, shall be deposited into the trust fund.

Section 2. This act shall take effect July 1, 1994,

On motion by Senator Siegel, the Senate concurred in the House amendment.

SB 2018 passed as amended by the required constitutional three-fifths vote of the membership and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for CS for SB 2076 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 2076—A bill to be entitled An act relating to regulation of professions; amending s. 20.165, F.S.; renaming the Division of Technology, Testing, and Training of the Department of Business and Professional Regulation as the Division of Technology, Licensure, and Testing; establishing additional boards within the Division of Professions and the Division of Medical Quality Assurance; amending s. 215.37, F.S.; requiring the department to request that professional boards within the department submit their proposed budgets prior to development of the department's legislative budget request; clarifying that the requirements for depositing fees into the Professional Regulation Trust Fund and the payment of service charges with respect thereto apply only with respect to professional regulation by the department and the boards within the department; creating s. 455.2121, F.S.; providing for continued accreditation of programs and institutions under certain circumstances; amending s. 455.217, F.S.; authorizing additional procedures the department may employ to maintain the security of professional examinations; conforming terminology; creating s. 455.2171, F.S.; authorizing the department to use professional testing services for computerized examinations; amending s. 455.221, F.S.; revising provisions relating to legal and investigative services of the department and the boards; providing that persons under contract with the department to help investigate and resolve complaints and application checks shall be considered agents of the department for certain insurance and immunity protections; amending s. 455.2235, F.S.;

requiring each board, or the department when there is no board, to adopt rules designating which violations of the applicable professional practice act are appropriate for mediation; providing a timetable for the boards to act, after which the department shall have exclusive authority to adopt such rules; amending s. 455.227, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; reenacting ss. 455.232(2), 468.1755(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), and 489.116(1), F.S., relating to disclosure of confidential information, to discipline of nursing home administrators, real estate brokers, salespersons, schools, and appraisers, barbers, and cosmetologists, and to inactive and delinquent status of construction contractors, to incorporate the amendment to s. 455.227, F.S., in references thereto; amending s. 455.228, F.S.; authorizing the issuance of citations for unlicensed practice of a profession; providing penalties; providing for allocation to the various professions of the fines, fees, and other costs collected as a result of violations related to such unlicensed practice; amending s. 455.2281, F.S.; providing that the department alone is to impose the special fee per license to cover enforcement costs of regulating the professions; amending s. 455.229, F.S.; clarifying provisions applicable to public inspection of information required from applicants; creating s. 455.271, F.S.; providing for inactive and delinquent status; creating s. 455.273, F.S.; providing for renewal and cancellation notices; creating s. 455.275, F.S.; providing for maintenance of current address-of-record information; amending s. 468.385, F.S.; revising a prohibition against licensure as an auctioneer or auctioneer's apprentice; amending s. 468.387, F.S., relating to licensing of nonresidents; eliminating an irrevocable written consent relating to certain service of process; amending s. 468.389, F.S.; authorizing restitution to a consumer as a disciplinary action of the department against auctioneers; amending s. 468.401, F.S.; revising definitions applicable to regulation of talent agencies; amending s. 468.402, F.S.; revising and providing disciplinary grounds and actions applicable to persons violating provisions related to talent agencies; amending s. 468.403, F.S.; revising talent agency licensure requirements; amending s. 468.404, F.S.; deleting provisions relating to rules for a procedure for biennial renewal of talent agency licenses; revising fee terminology; increasing the charge for recording name or location changes; amending s. 468.406, F.S.; requiring an itemized schedule of fees, charges, and commissions along with an application; amending s. 468.407, F.S.; eliminating a fine for failure to display talent agency license; amending s. 468.409, F.S.; revising record-keeping requirements; amending s. 468.410, F.S.; prohibiting agencies from requiring applicants or artists to purchase certain things or attend certain schools or workshops as a condition of registering or obtaining employment for that person; providing penalties; amending s. 468.412, F.S.; providing that a talent agency may not divide fees with any venue that uses entertainment; amending s. 468.413, F.S.; providing applicability of habitual felony offender penalties to certain acts; amending s. 468.452, F.S.; redefining "athlete agent"; amending s. 468.520, F.S.; revising definitions and exemptions applicable to regulation of employee leasing companies; amending s. 468.521, F.S.; increasing membership of the Board of Employee Leasing Companies; amending ss. 468.522, 468.533, and 468.534, F.S.; revising terminology; amending s. 468.523, F.S.; applying other provisions relating to activities of regulatory boards to regulations for employee leasing companies; amending s. 468.524, F.S.; revising license application requirements; creating s. 468.5245, F.S., related to change of ownership; amending s. 468.525, F.S.; revising license requirements; amending s. 468.526, F.S.; revising annual assessment provisions; amending s. 468.527, F.S.; providing an editorial change; creating s. 468.5275, F.S.; providing for registration and exemption of de minimus operations; establishing fees; amending s. 468.528, F.S.; revising provisions related to inactive status of licenses; amending s. 468.529, F.S.; revising various insurance and benefit requirements; amending s. 468.530, F.S.; providing identification requirements for advertisements; amending s. 468.531, F.S.; prohibiting practice as an employee leasing company or company group unless all controlling persons thereof are licensed, for which there are penalties; amending s. 468.532, F.S.; revising and providing disciplinary grounds and actions; creating s. 468.535, F.S.; providing for investigations, audits, and reviews; amending s. 468.602, F.S.; providing exemptions from provisions regulating building code administrators and inspectors; amending s. 468.603, F.S.; revising definitions; amending s. 468.605, F.S.; increasing membership on the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising the requirements to take the examination for certification as a building code administrator, plans examiner, or inspector; revising requirements with respect to persons holding such an office on a specified date; authorizing the board to create additional certification categories and providing restrictions on those categories; creating ch. 469, F.S.; providing regulation of asbestos abatement and related work; providing definitions;

providing exemptions; requiring licensure and providing licensure requirements, including categories of licensure; providing requirements and responsibilities of business organizations and qualifying agents; providing fees; providing grounds for license revocation or suspension and for denial of licensure or license renewal; providing rulemaking authority to the Department of Business and Professional Regulation; requiring certain course requirements of onsite supervisors, asbestos abatement workers, and asbestos surveyors, management planners, and project monitors; providing for approval of asbestos training courses and providers; providing for seals; repealing ss. 455.301-455.310, F.S., relating to asbestos abatement; amending ss. 255.553 and 553.79, F.S.; correcting cross references; providing an appropriation; amending s. 470.002, F.S.; defining the term "disinterment"; amending s. 470.006, F.S.; providing a fee for provisional licensure as an embalmer; revising embalmer internship provisions; amending s. 470.007, F.S.; revising certain examination requirements for licensure as an embalmer by endorsement; prohibiting registration as a temporary embalmer under certain circumstances; providing a fee for renewal of registration as a temporary embalmer; amending s. 470.008, F.S.; including centralized embalming facilities in the embalmer internship program; revising requirements of the program; amending s. 470.009, F.S.; providing a fee for provisional licensure as a funeral director; revising funeral director internship provisions; amending s. 470.011, F.S.; revising certain examination requirements for licensure as a funeral director by endorsement; prohibiting registration as a temporary funeral director under certain circumstances; providing a fee for renewal of registration as a temporary funeral director; amending s. 470.012, F.S.; revising requirements of the funeral director internship program; amending s. 470.013, F.S.; requiring licensed funeral directors and embalmers to affix to their displayed licenses a recent photograph of themselves; amending s. 470.0165, F.S.; prohibiting direct disposers or funeral directors functioning as direct disposers from selling, conducting, or arranging for burials; amending s. 470.017, F.S.; revising educational requirements for registration as a direct disposer; requiring registered direct disposers to affix to their displayed registrations a recent photograph of themselves; amending s. 470.019, F.S.; revising and providing grounds for disciplinary action against direct disposers and direct disposal establishments; increasing the administrative fine that may be imposed; amending s. 470.0201, F.S.; revising provisions relating to educational requirements relating to communicable diseases for nonlicensed individuals intending to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration service, or centralized embalming facility; amending s. 470.021, F.S.; including licensed funeral directors acting as direct disposers in provisions relating to registration of direct disposal establishments; amending s. 470.024, F.S.; providing additional requirements of funeral directors in charge of licensed funeral establishments; amending s. 470.025, F.S.; prohibiting a direct disposer from being in charge of a cinerator facility that is located at the same address as a funeral establishment; amending s. 470.029, F.S.; revising reporting requirements relating to bodies embalmed or otherwise handled or to disinterments; creating s. 470.0295, F.S.; providing requirements relating to disinterment; amending s. 470.0301, F.S.; revising registration and other requirements of removal services, refrigeration facilities, and centralized embalming facilities; amending s. 470.034, F.S.; eliminating a ground for disciplinary action relating to certain disclosures in response to a general telephone inquiry; amending s. 470.036, F.S.; revising certain grounds for disciplinary action to apply to removal services and refrigeration services and others to provide additional requirements with respect to oral permission for certain actions; reenacting s. 497.305(1)(f), F.S., relating to the cremation of human remains by a cemetery company, to incorporate the amendment to s. 470.025, F.S., in a reference thereto; amending s. 471.003, F.S.; revising an exemption from registration as an engineer applicable to certain faculty members; reenacting s. 471.037(2), F.S., relating to the issuance of local building permits, to incorporate the amendment to s. 471.003, F.S., in a reference thereto; amending s. 471.015, F.S.; revising licensure qualifications of engineers; authorizing the requirement of a personal appearance, subject to prior notice; amending s. 472.005, F.S.; revising definitions relating to regulation of land surveying to eliminate reference to "land" and to include reference to "mapping"; defining "photogrammetric mapper"; amending s. 472.007, F.S.; increasing membership of the Board of Professional Surveyors and Mappers; amending s. 472.008, F.S.; deleting the requirement for board rules on financial responsibility; amending s. 472.011, F.S.; providing for board rule for delinquency fees rather than late renewal penalty fees; providing application fees for providers of continuing education; amending s. 472.013, F.S.; eliminating a qualifying prerequisite to taking the licensure examination and providing for future repeal of other qualifying prerequisites; amending s. 472.015, F.S.; pro-

viding requirements for professional liability insurance; amending ss. 472.001, 472.003, 472.021, 472.023, 472.027, 472.029, 472.031, 472.037, 472.039, F.S., relating to land surveying, to conform; amending s. 472.033, F.S., relating to grounds for disciplinary action related to licensure status; creating s. 472.041, F.S.; providing a savings clause to automatically license specified persons as surveyors and mappers on a specified date; amending ss. 177.031, 177.061, 177.071, 177.091, 177.141, 177.151, 177.36, 177.503, 177.504, 177.507, 177.508, 177.509, 190.033, 287.055, 403.0877, 403.932, 440.02, 471.003, 481.219, 713.01, 713.03, 718.104, 810.12, F.S., to conform terminology; amending s. 28.222, F.S.; providing requirements for the recording of instruments relating to land surveying; amending s. 473.302, F.S.; revising and providing definitions with respect to the regulation of public accountancy; amending s. 473.306, F.S.; authorizing the Board of Accountancy to adopt an alternative licensure examination for Canadian chartered accountants; amending s. 473.308, F.S.; extending the waiver of certain educational requirements applicable to certain applicants for licensure as a public accountant; amending s. 474.202, F.S.; providing a definition for limited veterinary medical practice; amending s. 474.2065, F.S.; increasing the initial application and examination fee for veterinarians; eliminating reference to a fee cap for reactivation or renewal of an inactive license; amending s. 474.207, F.S.; revising provisions relating to licensure of veterinarians by examination; amending s. 474.2125, F.S.; revising provisions relating to temporary licenses issued to licensed veterinarians of another state, including shortening the period of validity of such licenses; amending s. 474.213, F.S.; providing additional grounds for discipline; amending s. 474.214, F.S., relating to disciplinary proceedings; providing penalties for practicing veterinary medicine with a delinquent license; correcting terminology; amending s. 474.215, F.S.; prescribing standards for the operation of limited service facilities; requiring a permit and providing for a fee; creating s. 474.2175, F.S.; providing for veterinarians to perform tests for equine infectious anemia; prescribing duties of the Department of Agriculture and Consumer Services with respect to such tests; providing for fees; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.011, F.S.; exempting from regulation as a real estate broker, salesperson, or school certain persons or entities involved in the renting of public lodging establishments for transient occupancy; amending s. 475.15, F.S.; clarifying a provision relating to cancellation of registration of a partnership; amending s. 475.17, F.S.; revising qualifications for practice with respect to other jurisdictions; creating s. 475.180, F.S.; providing reciprocity provisions for nonresident licenses; amending s. 475.181, F.S., relating to licensure, to conform; amending s. 475.25, F.S.; revising grounds for disciplinary and other action relating to criminal convictions and related confinement and to certain required notice relating to a sale, exchange, purchase, or lease of real property or any interest in real property; providing grounds for disciplinary and other action relating to action against a license or registration; creating s. 475.255, F.S.; providing that the mere payment or promise to pay compensation to a licensee does not determine whether an agency or transactional brokerage relationship exists between the licensee and a seller, landlord, buyer, or tenant; amending s. 475.455, F.S.; eliminating a provision relating to certain notice by the Florida Real Estate Commission to licensees regarding discipline by other state agencies; amending ss. 475.482, 475.483, and 475.484, F.S., relating to the Real Estate Recovery Fund; revising conditions for receipt of a distribution from the fund; providing requirements for recovery when bankruptcy is a factor; providing additional conditions that constitute disqualification for a claim; providing for proration of claims under certain conditions; amending s. 475.5017, F.S.; providing for assignment of civil actions; providing for payment of expenses of receiver; amending s. 475.611, F.S.; providing a definition for purposes of service on a probable cause panel; amending s. 475.624, F.S., relating to grounds for discipline or other action against a real estate appraiser; providing clarification; amending s. 477.013, F.S.; providing a definition applicable to regulation of cosmetology; requiring registration; providing for a fee; creating s. 477.0132, F.S.; exempting hair braiding from regulation under certain circumstances; amending s. 480.041, F.S.; increasing the minimum age required to qualify for licensure as a massage therapist; providing licensing procedures for certain out-of-state practitioners; amending s. 480.042, F.S.; eliminating the practical examination for licensure to practice massage; amending s. 481.213, F.S.; requiring certain internship for licensure as an architect; amending s. 481.215, F.S.; providing requirements relating to proof of continuing education applicable to architects; deleting provisions relating to automatic reverter to inactive status for a license to practice architecture or interior design; amending s. 481.329, F.S.; exempting golf course architects from regulation under part II of ch. 481, F.S., relating to landscape architecture; amending s. 484.0445, F.S.; providing for certain certi-

fication of sponsors and their designees under the hearing aid specialist training program; amending s. 484.045, F.S.; revising requirements for certain persons seeking licensure as a hearing aid specialist; amending s. 492.107, F.S., relating to seals to be used by licensed geologists; amending s. 457.107, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate to practice acupuncture; revising continuing education requirements; amending s. 457.108, F.S.; deleting provisions relating to automatic expiration of a certificate to practice acupuncture; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a certificate; amending s. 458.319, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice medicine; amending s. 458.321, F.S.; deleting provisions relating to automatic expiration of a license to practice medicine; deleting provisions relating to the fee for reactivating an inactive license to practice medicine; amending s. 458.327, F.S.; providing penalties for practicing medicine with a delinquent license; amending s. 459.008, F.S.; revising requirements for renewal of licenses and certificates to practice osteopathic medicine; deleting provisions relating to automatic reverter to inactive status of a license to practice osteopathic medicine; amending s. 459.009, F.S.; deleting provisions relating to automatic expiration of a license to practice osteopathic medicine; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption; repealing s. 460.407(3)-(6), F.S., relating to automatic expiration of a license to practice chiropractic; amending s. 461.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice podiatry; amending s. 461.008, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license to practice podiatry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 462.08, F.S.; revising provisions governing the renewal of a license to practice naturopathy; amending s. 462.19, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice naturopathy and to reactivation of such license; amending s. 463.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice optometry; amending s. 463.008, F.S.; deleting provisions relating to reactivation of an inactive license to practice optometry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 463.016, F.S.; providing penalties for practicing optometry with a delinquent license; repealing s. 464.013(4) and (5), F.S., relating to automatic reverter to inactive status of a license to practice nursing; amending s. 464.014, F.S.; deleting provisions relating to reactivation of an inactive license to practice nursing; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 465.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice pharmacy; amending s. 465.012, F.S.; deleting provisions relating to reactivation of an inactive license to practice pharmacy; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; repealing s. 466.013(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice dentistry; amending s. 466.015, F.S.; deleting provisions relating to reactivation of an inactive license to practice dentistry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 467.012(4) and (5), F.S., relating to automatic reverter to inactive status of a license to practice midwifery; amending s. 467.013, F.S.; deleting provisions relating to renewal or reactivation of an inactive license to practice midwifery; amending s. 467.0135, F.S.; revising and providing fees relating to the practice of midwifery; providing a limit for those fees; repealing s. 468.1195(4) and (5), F.S., relating to automatic reverter to inactive status of a license as a speech-language pathologist or audiologist; amending s. 468.1205, F.S.; deleting provisions relating to reactivation of an inactive license as a speech-language pathologist or audiologist; amending s. 468.1225, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 468.1285, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license; amending s. 468.1295, F.S.; conforming a cross reference; revising and providing grounds for disciplinary action; amending s. 468.1715, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a nursing home administrator; amending s. 468.1725, F.S.; deleting provisions relating to reactivation of an inactive license as a nursing home administrator; providing for a delinquency fee; revising

provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a license; amending s. 468.1755, F.S.; providing penalties for practicing nursing home administration with a delinquent license; reenacting ss. 468.1695(3), 468.1735, and 468.1756, F.S., relating to licensure by examination, provisional licensure, and statute of limitations to incorporate the amendment to s. 468.1755, F.S., in references thereto; amending s. 468.219, F.S.; providing for continuing education requirements for renewal of licensure to practice occupational therapy; deleting provisions relating to expiration of a license to practice occupational therapy; amending s. 468.221, F.S.; providing for fees with respect to the practice of occupational therapy; providing penalties for practicing as an occupational therapist with a delinquent license; amending s. 468.361, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.363, F.S.; deleting provisions relating to automatic reverter to inactive status and to reactivation of an inactive certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.383, F.S.; exempting sales of the contents of self-contained storage units from provisions regulating auctioneers; repealing s. 468.385(3) and (4), F.S., relating to automatic reverter to inactive status of an auctioneer's license; amending s. 468.3852, F.S.; deleting provisions relating to automatic expiration of an auctioneer's license; repealing s. 468.514(3) and (4), F.S., relating to automatic reverter to inactive status of a dietitian/nutritionist's license; repealing s. 468.515(4) and (5), F.S., relating to automatic expiration of a dietitian/nutritionist's license; amending s. 468.517, F.S.; providing penalties for practicing as a dietitian/nutritionist with a delinquent license; amending s. 468.518, F.S.; providing for disciplinary action against a person practicing as a dietitian/nutritionist with a delinquent license; repealing s. 468.549(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a wastewater treatment operator; repealing s. 468.550(3) and (4), F.S., relating to automatic expiration of a license as a wastewater treatment operator; amending s. 468.551, F.S.; providing penalties for acting as a wastewater treatment operator with a delinquent license; repealing s. 470.015(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a funeral director and embalmer; amending s. 470.016, F.S.; deleting provisions relating to automatic expiration of a license as a funeral director and embalmer; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 470.018(3) and (4), F.S., relating to automatic reverter to inactive status of a registration as a direct disposer; amending s. 471.011, F.S.; revising fee terminology applicable to licensure as an engineer; repealing s. 471.017(3) and (4), F.S., relating to automatic reverter to inactive status of a license as an engineer; amending s. 471.019, F.S.; deleting provisions relating to reactivation of an inactive license as an engineer; amending s. 471.031, F.S.; providing penalties for practicing engineering with a delinquent license; reenacting s. 471.015(2), F.S., relating to licensure, to incorporate the amendment to s. 471.031, F.S., in a reference thereto; amending s. 471.033, F.S.; providing for disciplinary action against a person practicing engineering with a delinquent license; amending s. 472.017, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice surveying and mapping; amending s. 472.019, F.S.; deleting provisions relating to automatic expiration of a license to practice surveying and mapping; repealing s. 473.311(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice public accountancy; amending s. 473.313, F.S.; deleting provisions relating to automatic expiration of a license to practice public accountancy; amending s. 473.322, F.S.; providing penalties for practicing public accountancy with a delinquent license; reenacting s. 473.308(2), F.S., relating to licensure, to incorporate the amendment to s. 473.322, F.S., in a reference thereto; amending s. 473.323, F.S.; providing for disciplinary proceedings against a person practicing public accountancy with a delinquent license; amending s. 474.211, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice veterinary medicine; repealing s. 474.212, F.S., relating to inactive status and renewal and reactivation of an inactive license to practice veterinary medicine; amending s. 476.155, F.S.; deleting provisions relating to automatic expiration of a barber's license; amending s. 477.0212, F.S.; deleting provisions relating to automatic expiration of a cosmetologist's license; amending s. 478.50, F.S.; deleting provisions relating to automatic expiration of a license to practice electrolysis; amending s. 480.0415, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice massage; amending s. 480.0425, F.S.; deleting provisions relating to automatic expiration of a license to practice massage; amending s. 481.207, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as an architect or interior

designer; providing a limit for the delinquency fee; amending s. 481.217, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license as an architect or interior designer; amending s. 481.223, F.S.; providing penalties for practicing architecture or interior design with a delinquent license; amending s. 481.225, F.S.; providing for disciplinary action for practicing architecture with a delinquent license; reenacting s. 481.213(4), F.S., relating to licensure, to incorporate the amendments to ss. 481.223 and 481.225, F.S., in references thereto; amending s. 481.307, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as a landscape architect; providing a limit for the delinquency fee; repealing s. 481.313(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice landscape architecture; amending s. 481.315, F.S.; deleting provisions relating to automatic expiration of a license as a landscape architect; providing for a delinquency fee; deleting the inactive status application fee for reactivation of a license; amending s. 481.323, F.S.; providing penalties for practicing landscape architecture with a delinquent license; amending s. 481.325, F.S.; providing for disciplinary action against a person practicing landscape architecture with a delinquent license; reenacting s. 481.311(6), F.S., relating to licensure, to incorporate the amendment to s. 481.325, F.S., in a reference thereto; amending s. 483.807, F.S.; revising fee terminology applicable to licensure of clinical laboratory personnel; repealing s. 483.817(3) and (4), F.S., relating to automatic reverter to inactive status of a license as clinical laboratory personnel; amending s. 483.819, F.S.; deleting provisions relating to renewal of an inactive license as clinical laboratory personnel and to automatic suspension of such license; amending s. 484.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an optician; amending s. 484.009, F.S.; deleting provisions relating to automatic expiration of an optician's license; amending s. 484.014, F.S.; conforming a cross reference; providing penalties for practicing opticianry with a delinquent license; amending s. 484.047, F.S.; deleting provisions relating to automatic expiration of a license as a dispenser of hearing aids and to reinstatement of such license; amending s. 484.0501, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 484.053, F.S.; providing penalties for dispensing hearing aids with a delinquent license; amending s. 484.056, F.S.; conforming a cross reference; providing for disciplinary action against a person dispensing hearing aids with a delinquent license; amending s. 486.085, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 486.108, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist assistant; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption; amending s. 489.105, F.S.; defining "demolish" for purposes of the definition of "contractor"; revising the term "underground utility and excavation contractor"; amending s. 489.107, F.S.; correcting a cross reference; providing for jurisdiction; amending s. 489.109, F.S.; revising fee terminology applicable to certification or registration as a contractor; providing limits to voluntary inactive fees; amending s. 489.116, F.S.; revising provisions relating to inactive and delinquent status; amending s. 489.117, F.S.; clarifying requirements for registration; amending s. 489.127, F.S., relating to prohibitions and penalties applicable to construction contracting; conforming a cross reference; providing applicability with respect to an inactive or suspended certificate or registration; providing that the penalties are not exclusive of other applicable penalties; amending s. 489.131, F.S.; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Construction Industry Licensing Board; amending s. 489.141, F.S.; providing applicability to registrants of provisions relating to claims for recovery from the Construction Industries Recovery Fund; repealing s. 489.143(6), F.S., which requires payments and disbursements from the Construction Industries Recovery Fund to be made by voucher and which exempts amounts transferred from that fund from limitations imposed by an appropriations act of the Legislature; amending s. 489.501, F.S.; revising legislative purpose relating to provisions regulating electrical and alarm system contracting; amending s. 489.503, F.S., relating to exemptions from regulation of electrical and alarm system contracting; revising an exemption relating to telecommunications, television, and radio systems; amending s. 489.505, F.S.; revising and providing definitions; clarifying an exemption; amending s. 489.509, F.S.; revising fee terminology applicable to licensure as an electrical and alarm system contractor; amending s. 489.511, F.S.; revising certification requirements; providing a definition; clarifying provisions

relating to specialty contractors; amending s. 489.513, F.S.; revising registration requirements; providing registration requirements for alarm system contractors; amending s. 489.515, F.S.; requiring evidence of obtaining workers' compensation insurance or a specified exemption certificate prior to certification or registration; amending s. 489.516, F.S.; authorizing counties and municipalities to suspend or deny locally issued permits when the contractor involved has failed to obtain the required workers' compensation insurance or exemption certificate and public liability and property damage insurance; amending s. 489.517, F.S.; providing continuing education requirements for renewal of a certificate or registration; amending s. 489.519, F.S.; deleting provisions relating to automatic expiration of a license as an electrical and alarm system contractor; providing for continuing education requirements for certain voluntary inactive certificateholders; creating s. 489.520, F.S.; requiring the department to implement an automated system of licensure status information for electrical and alarm system contracting; amending s. 489.521, F.S.; correcting terminology; amending s. 489.522, F.S.; providing that primary qualifying agents have approval authority for checks, payments, drafts, and contracts of the business organization; amending s. 489.531, F.S.; providing penalties for electrical and alarm system contracting with a delinquent license; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Electrical Contractors' Licensing Board; providing for the issuance of stop-work orders for unlicensed work; amending s. 489.533, F.S.; providing for disciplinary action against a person engaging in electrical or alarm system contracting with a delinquent certificate or registration; including applicants in provisions relating to disciplinary proceedings; reenacting ss. 489.515(2) and (4) and 489.521(9), F.S., relating to issuance of certificates and business organizations, to incorporate the amendments to ss. 489.513, 489.533, and 489.537, F.S., in references thereto; amending s. 489.537, F.S.; providing a time limit for certain registration as an alarm system contractor; revising a requirement for that registration; repealing s. 490.007(3), F.S., and amending s. 490.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a psychologist and reactivation of such license; repealing s. 491.007(3), F.S., and amending s. 491.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license or certificate as a clinical social worker, marriage and family therapist, or mental health counselor and to reactivation of such license or certificate; amending s. 492.109, F.S.; deleting provisions relating to automatic reverter to inactive status of a geologist's license; amending s. 492.1101, F.S.; deleting provisions relating to automatic expiration of a license as a geologist; amending s. 492.112, F.S.; providing penalties for practicing geology with a delinquent license; amending s. 492.113, F.S., relating to disciplinary proceedings by the Board of Professional Geologists; clarifying provisions; reenacting ss. 492.105(3), 492.108(2), and 492.111(6), F.S., relating to licensure by examination or endorsement and practice of geology by firms, corporations, or partnerships, to incorporate the amendment to s. 492.113, F.S., in a reference thereto; repealing s. 1(5), ch. 86-286, Laws of Florida, relating to regulation of elevators; abrogating an obsolete Sunset repeal of a provision relating to reporting of elevator accidents; amending s. 481.201, F.S., relating to legislative purpose; amending s. 481.203, F.S.; revising the definition of interior design; amending s. 481.205, F.S.; revising membership of the Board of Architecture and Interior Design; amending s. 481.209, F.S.; revising requirements for interior design licensure; amending s. 481.213, F.S., relating to requirements for licensure; amending s. 481.2131, F.S.; revising practice requirements related to interior design; amending s. 481.219, F.S.; relating to certification of business entities; amending s. 481.2251, F.S.; relating to interior design discipline; amending s. 481.229, F.S.; revising exemptions; providing a grandfather clause; providing for future review and repeal; amending s. 455.218, F.S., relating to foreign-trained professionals; amending s. 455.224, F.S., relating to the authority to issue citations; amending s. 455.225, F.S., relating to disciplinary proceedings; amending s. 455.241, F.S., relating to patient records; amending s. 455.26, F.S.; reconciling certain differences arising from 1992 amendatory laws; providing appropriations; amending s. 475.182, F.S.; modifying continuing education requirements for renewal of a license as a real estate broker, broker-salesperson, or salesperson; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rulemaking authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; providing effective dates.

House Amendment 1 (with Title Amendment)—Strike every-thing after the enacting clause and insert:

Section 1. Paragraph (k) of subsection (2) and paragraphs (a) and (d) of subsection (4) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(k) Division of Technology, *Licensure*, and Testing, ~~and Training~~.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.

2. Florida Board of Auctioneers, created under part VI of chapter 468.

3. Barbers' Board, created under chapter 476.

4. *Florida Building Code Administrators and Inspectors Board*, created under part XIII of chapter 468.

5.4. Construction Industry Licensing Board, created under part I of chapter 489.

6.5. Board of Cosmetology, created under chapter 477.

7.6. Electrical Contractors' Licensing Board, created under part II of chapter 489.

8.7. Board of Employee Leasing Companies, created under part XI of chapter 468.

9.8. Board of Funeral Directors and Embalmers, created under chapter 470.

10.9. Board of Hearing Aid Specialists, created under part II of chapter 484.

11.10. Board of Landscape Architecture, created under part II of chapter 481.

12.11. Board of Massage, created under chapter 480.

13.12. Board of Pilot Commissioners, created under chapter 310.

14.13. Board of Professional Engineers, created under chapter 471.

15.14. Board of Professional Geologists, created under chapter 492.

16.15. Board of Professional ~~Land~~ Surveyors and Mappers, created under chapter 472.

17.16. Board of Veterinary Medicine, created under chapter 474.

(d) The following boards are established within the Division of Medical Quality Assurance:

1. Board of Acupuncture, created under chapter 457.

2. Board of Chiropractic, created under chapter 460.

3. Board of Clinical Laboratory Personnel, created under part IV of chapter 483.

4. Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

5. Board of Dentistry, created under chapter 466.

6. Board of Medicine, created under chapter 458.

7. Board of Nursing, created under chapter 464.

8. *Board of Nursing Home Administrators*, created under part II of chapter 468.

9. *Board of Opticianry*, created under part I of chapter 484.

10.8. Board of Optometry, created under chapter 463.

11.9. Board of Osteopathic Medicine, created under chapter 459.

12.10. Board of Pharmacy, created under chapter 465.

13.11. Board of Physical Therapy Practice, created under chapter 486.

- 14.12. Board of Podiatric Medicine, created under chapter 461.
 15.13. Board of Psychological Examiners, created under chapter 490.
 16.14. Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.

Section 2. Section 215.37, Florida Statutes, is amended to read:

215.37 Department of *Business and Professional Regulation* and the boards to be financed from fees collected; moneys deposited in trust fund; service charge imposed and deposited into the General Revenue Fund; appropriation.—

(1) All fees, licenses, and other charges assessed to *practitioners of professions, as defined in chapter 455*, by the Department of *Business and Professional Regulation* or a ~~each~~ board within the department of ~~Professional Regulation~~ shall be collected by the department of ~~Professional Regulation~~ and shall be deposited in the State Treasury into the Professional Regulation Trust Fund to the credit of the department.

(2) ~~The regulation by the department of professions as defined in chapter 455~~, shall be financed solely from revenue collected by it from fees and other charges ~~and deposited in the Professional Regulation Trust Fund~~, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees.

(3) The department shall be charged a service charge pursuant to chapter 215 on funds deposited in the *Professional Regulation Trust Fund*.

(4) The department shall submit a balanced legislative budget for its *regulation of professions, as defined in chapter 455*, by division and operating budgets as required of all governmental subdivisions in chapters 215 and 216, to be based upon anticipated revenues. *Prior to development of the department's budget request to the Legislature, the department shall request that each board submit its proposed budget for the operation of the board, the board's office, and other activities or expanded programs of the board for possible inclusion in the department's budget request.* Prior to submission of the department's budget request to the Legislature, each board, at a regularly scheduled board meeting, shall review the proposed request *related to its regulation of a profession, as defined in chapter 455*, and either approve the proposed request or submit to the secretary written exceptions to the department's proposed budget. Any board making such exceptions must specify its objections, the reasons for such exceptions, and proposed alternatives to the department's request. The secretary shall consider all exceptions. When a majority of boards agree on an exception, the secretary shall make adjustments to the department's budget request *related to its regulation of professions, as defined in chapter 455*, to reflect the majority position. If appropriate, the secretary shall file an ~~exception exemption~~ on behalf of the department. The secretary shall submit to the Legislature the department's amended budget request along with any unresolved exceptions.

(5) The department shall maintain separate accounts in the Professional Regulation Trust Fund, as provided in s. 455.219, for every profession within the department.

Section 3. Subsection (3) of section 455.207, Florida Statutes, is amended to read:

455.207 Boards; organization; meetings; compensation and travel expenses.—

(3) The board shall meet at least once annually and may meet as often as is necessary. The chairperson or a quorum of the board shall have the authority to call other meetings. A quorum shall be necessary for the conduct of official business by the board or any committee thereof. Unless otherwise provided by law, 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum. *The membership of committees of the board, except as otherwise authorized pursuant to this chapter or the applicable practice act, shall be composed of currently appointed members of the board.* The vote of a majority of the members of the quorum shall be necessary for any official action by the board or committee. Three consecutive unexcused absences or absences constituting 50 percent or more of the board's meetings within any 12-month period shall cause the board membership of the member in question to become void, and the position shall be considered vacant. The board, or the department when there is no board, shall, by rule, define unexcused absences.

Section 4. Effective upon this act becoming a law, section 455.2121, Florida Statutes, is created to read:

455.2121 Education; accreditation.—Notwithstanding any other provision of law, educational programs and institutions which are required by statute to be accredited, but which were accredited by an agency that has since ceased to perform an accrediting function, shall be recognized until such programs and institutions are accredited by a qualified successor to the original accrediting agency, an accrediting agency recognized by the United States Department of Education, or an accrediting agency recognized by the board, or the department when there is no board.

Section 5. Subsection (1) of section 455.217, Florida Statutes, is amended to read:

455.217 Examinations.—

(1) ~~The Division of Technology, Licensure, and Testing Examination and Licensure~~ of the Department of *Business and Professional Regulation* shall provide services for the preparation and administration of all examinations.

(a) The department, acting in conjunction with the Division of *Technology, Licensure, and Testing Examination and Licensure* and the Division of Real Estate, as appropriate, shall ensure that the examinations adequately and reliably measure an applicant's ability to practice the profession regulated by the department and shall seek the advice of the appropriate board in the preparation and administration of the examinations. After an examination has been administered, the board may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The department shall use professional testing services to prepare, administer, grade, and evaluate the examinations, when such services are available and approved by the board.

(b) To the extent not otherwise specified by statute, the board or, when there is no board, the department, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade. If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board may conduct such exercise. Therefore, board members may serve as examiners at a practical examination with the consent of the board.

(c) The department shall use any national examination which is available and which is approved by the board. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department. The department may delegate to the board the duty to provide and administer the examination.

(d) ~~Each board or, when there is no board, The department shall adopt rules regarding the security and monitoring of examinations. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.228 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.2175 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examination site which the department deems necessary to enforce such provisions or rules. The department shall implement these rules adopted by the respective boards.~~

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. ~~Those These~~ guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this chapter. All fees paid by the user for professions not regulated by this chapter shall be applied to offset the fees for the development and administration of that profession's examination.

Section 6. Effective upon this act becoming a law, section 455.2171, Florida Statutes, is created to read:

455.2171 Use of professional testing services.—Notwithstanding any other provision of law to the contrary, the department may use a professional testing service to prepare, administer, grade, and evaluate any computerized examination, when that service is available and approved by the board, or the department when there is no board.

Section 7. Section 455.221, Florida Statutes, is amended to read:

455.221 Legal and investigative services.—

(1) A board shall retain, through the department's contract procedures, board counsel from the Department of Legal Affairs. The Department of Legal Affairs shall provide legal services to each board within the Department of Business and Professional Regulation, but the primary responsibility of the Department of Legal Affairs shall be to represent the interests of the citizens of the state by vigorously counseling the boards with respect to their obligations under the laws of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Subject to the prior approval of the Attorney General, any board may retain, through the department's contract procedures, independent legal counsel to provide legal advice to the board on a specific matter. Fees and costs of such counsel shall be paid from the Professional Regulation Trust Fund. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided.

(2) The department of Professional Regulation may employ or utilize the legal services of outside counsel and the investigative services of outside personnel. However, no attorney employed or utilized by the department shall prosecute a matter and provide legal services to the board with respect to the same matter.

(3) Any person retained by the department under contract to review materials, make site visits, or provide expert testimony regarding any complaint or application filed with the department relating to a profession under the jurisdiction of the department shall be considered an agent of the department in determining the state insurance coverage and sovereign immunity protection applicability of ss. 284.31 and 768.28.

Section 8. Section 455.2235, Florida Statutes, is amended to read:

455.2235 Mediation.—

(1) Notwithstanding the provisions of s. 455.225, the board, or the department when there is no board, shall may adopt rules to designate which violations of the applicable professional practice act are appropriate for mediation. The board, or the department when there is no board, may designate as mediation offenses those complaints where harm caused by the licensee is economic in nature or can be remedied by the licensee.

(2) After the department determines a complaint is legally sufficient and the alleged violations are defined as mediation offenses, the department or any agent of the department may conduct informal mediation to resolve the complaint. If the complainant and the subject of the complaint agree to a resolution of a complaint within 14 days after contact by the mediator, the mediator shall notify the department of the terms of the resolution. The department or board shall take no further action unless the complainant and the subject each fail to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days of the mediator's notification to the department. In the event the complainant and subject fail to reach settlement terms or to record the required acknowledgment, the department shall process the complaint according to the provisions of s. 455.225.

(3) Conduct or statements made during mediation are inadmissible in any proceeding pursuant to s. 455.225. Further, any information relating to the mediation of a case shall be subject to the confidentiality provisions of s. 455.225.

(4) No licensee shall go through the mediation process more than three times without approval of the department. The department may consider the subject and dates of the earlier complaints in rendering its decision. Such decision shall not be considered a final agency action for purposes of chapter 120.

(5) If any board fails to adopt rules designating which violations are appropriate for resolution by mediation by January 1, 1995, the depart-

ment shall have exclusive authority to, and shall, adopt rules to designate the violations which are appropriate for mediation. Any board created on or after January 1, 1995, shall have 6 months to adopt rules designating which violations are appropriate for mediation, after which time the department shall have exclusive authority to adopt rules pursuant to this section. A board shall have continuing authority to amend its rules adopted pursuant to this section.

Section 9. Section 455.227, Florida Statutes, is amended to read:

455.227 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken ~~The board shall have the power to revoke, suspend, or deny the renewal of the license, or to reprimand, censure, or otherwise discipline a licensee, if the board finds that:~~

(a) ~~Making The licensee has made~~ misleading, deceptive, untrue, or fraudulent representations in or related to the practice of the licensee's his profession.;

(b) ~~The licensee has~~ Intentionally violating violated any rule adopted by the board or the department.;

(c) ~~Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profes-~~ sion.

(e) ~~The licensee has been convicted of a felony which relates to the practice of his profession;~~

(d) ~~The licensee has been adjudicated mentally incompetent;~~

(e) ~~The license has been obtained by fraud or material misrepresentation of a material fact;~~

(d)(f) ~~Using The licensee has used~~ a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to s. 501.122(2) governing the registration of such devices with the Department of Health and Rehabilitative Services.;

(e)(g) ~~Failing The licensee has failed to~~ comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome.;

(f)(h) ~~Having The licensee has had~~ a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law. The licensing authority's acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of charges against the license, shall be construed as action against the license.

(g) ~~Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department or the agency against another licensee.~~

(h) ~~Attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.~~

(i) ~~Except as provided in s. 465.016, failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board.~~

(j) ~~Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.~~

(k) ~~Failing to perform any statutory or legal obligation placed upon a licensee.~~

(l) ~~Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.~~

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

(n) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

(o) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform.

(p) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.

(q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board or failing to comply with a lawfully issued subpoena of the department.

(r) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(3)(2) In addition to, or in lieu of, any other discipline imposed pursuant to this section or discipline imposed for a violation of any practice act, the board, or the department when there is no board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time ~~impose an administrative fine not to exceed \$1,000 for each violation.~~ In any case where the board or the department imposes a fine or assessment ~~civil penalty~~ and the fine or assessment ~~penalty~~ is not paid within a reasonable time, such reasonable time to be prescribed in the rules of the board, or the department when there is no board, or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or shall bring, ~~upon request by the board,~~ a civil action to recover, the fine or assessment ~~penalty~~.

(4)(3) In addition to, or in lieu of, any other remedy or criminal prosecution, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any of the provisions of this chapter ~~part~~, or any provision provisions of law with respect to professions regulated by the department or ~~and~~ any board therein, or the rules adopted pursuant thereto.

(5)(4) In the event the board, or the department when there is no board, determines that revocation of a license is the appropriate penalty, the revocation shall be permanent. However, the board may establish, by rule, requirements for reapplication by applicants whose licenses have been permanently revoked. Such requirements may include, but shall not be limited to, satisfying current requirements for an initial license.

Section 10. For the purpose of incorporating the amendment to section 455.227, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

455.232 Disclosure of confidential information.—

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. 455.227, and, if applicable, shall be removed from office, employment, or the contractual relationship.

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 468.1745(1) or s. 455.227(1).

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(a) Has violated any provision of s. 475.42 or of s. 455.227(1).

475.624 Discipline.—The board may deny an application for registration, licensure, or certification; investigate the actions of any appraiser registered, licensed, or certified under this section; and may reprimand, fine, revoke, or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation if it finds that the registrant, licensee, or certificateholder:

(1) Has violated any provisions of this part or of s. 455.227(1);

476.204 Penalties.—

(1) It is unlawful for any person to:

(h) Violate any provision of s. 476.194, s. 476.214, or s. 455.227(1).

477.029 Penalty.—

(1) It is unlawful for any person to:

(h) Violate any provision of s. 477.0265, s. 477.028, or s. 455.227(1).

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(1) A certificateholder or registrant may not engage in contracting unless the certificateholder or registrant has an active status certificate or registration. A certificateholder or registrant who engages in contracting without an active status certificate or registration is subject to disciplinary action as provided in ss. 455.227 and 489.129.

Section 11. Section 455.228, Florida Statutes, is amended to read:

455.228 Unlicensed practice of a profession; cease and desist notice; civil penalty; enforcement; citations; allocation of moneys collected.—

(1) When the department has probable cause to believe that any person not licensed by the department or the appropriate regulatory board within the department has violated any provision of this chapter or any statute that relates to the practice of a profession regulated by the department, or any rule adopted pursuant thereto, the department may issue and deliver to such person a notice to cease and desist from such violation. In addition, the department may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed practice of a profession by employing such unlicensed person. The issuance of a notice to cease and desist shall not constitute agency action for which a s. 120.57 hearing may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provisions of such order. In addition to the foregoing remedies, the department may impose an administrative penalty not to exceed \$5,000 per incident, pursuant to the provisions of chapter

120 or may issue a citation pursuant to the provisions of subsection (3). If the department is required to seek enforcement of the agency order for a penalty pursuant to s. 120.58, it shall be entitled to collect its attorney's fees and costs, together with any cost of collection.

(2) In addition to or in lieu of any remedy provided in subsection (1), the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist under subsection (1). The civil penalty shall be no less than \$500 and no more than \$5,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation.

(3)(a) Notwithstanding the provisions of s. 455.225, the department shall adopt rules to permit the issuance of citations for unlicensed practice of a profession. The citation shall be issued to the subject and shall contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The penalty shall be a fine of not less than \$500 or more than \$5,000 or other conditions as established by rule.

(b) Each day that the unlicensed practice continues after issuance of a citation constitutes a separate violation.

(c) The department shall be entitled to recover the costs of investigation, in addition to any penalty provided according to department rule as part of the penalty levied pursuant to the citation.

(d) Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the subject's last known address.

(4) All fines, fees, and costs collected through the procedures set forth in this section shall be allocated to the professions in the manner provided for in s. 455.2281 for the allocation of the fees assessed and collected to combat unlicensed practice of a profession.

(5)(3) The provisions of this section ~~only~~ apply only to the provisions of s. 455.217 and the professional practice acts administered by the department of Professional Regulation.

Section 12. Section 455.2281, Florida Statutes, is amended to read:

455.2281 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, ~~each board, or the department when there is no board,~~ shall impose, upon initial licensure and ~~each~~ of renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 13. Subsection (1) of section 455.229, Florida Statutes, is amended to read:

455.229 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) ~~and shall not be discussed with or made accessible to anyone except members of the board, the department, and its staff who have a bona fide need to know such information.~~ Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or confidential pursuant to applicable law while in the custody of the department. ~~Information which is confidential and exempt from s. 119.07(1) may not be discussed with or made accessible to anyone except members of the board and department personnel and staff who have a bona fide need to know that information.~~ These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 14. Section 455.271, Florida Statutes, is created to read:

455.271 Inactive and delinquent status.—

(1) A licensee may practice a profession only if the licensee has an active status license. A licensee who practices a profession without an active status license is in violation of this section and s. 455.227, and the board, or the department when there is no board, may impose discipline on the licensee.

(2) Each board, or the department when there is no board, shall permit a licensee to choose, at the time of licensure renewal, an active or inactive status. However, a licensee who changes from inactive to active status is not eligible to return to inactive status until the licensee thereafter completes a licensure cycle on active status.

(3) Each board, or the department when there is no board, shall, by rule, impose a fee for an inactive status license which is no greater than the fee for an active status license.

(4) An inactive status licensee may change to active status at any time, provided the licensee meets all requirements for active status, pays any additional licensure fees necessary to equal those imposed on an active status licensee, pays any applicable reactivation fees as set by the board, or the department when there is no board, and meets all continuing education requirements as specified in this section.

(5) A licensee shall apply with a complete application, as defined by rule of the board, or the department when there is no board, to renew an active or inactive status license before the license expires. Failure of a licensee to renew before the license expires shall cause the license to become delinquent in the license cycle following expiration.

(6) A delinquent status licensee must affirmatively apply with a complete application, as defined by rule of the board, or the department when there is no board, for active or inactive status during the licensure cycle in which a licensee becomes delinquent. Failure by a delinquent status licensee to become active or inactive before the expiration of the current licensure cycle shall render the license null without any further action by the board or the department. Any subsequent licensure shall be as a result of applying for and meeting all requirements imposed on an applicant for new licensure.

(7) Each board, or the department when there is no board, shall, by rule, impose an additional delinquency fee, not to exceed the biennial renewal fee for an active status license, on a delinquent status licensee when such licensee applies for active or inactive status.

(8) Each board, or the department when there is no board, shall, by rule, impose an additional fee, not to exceed the biennial renewal fee for an active status license, for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle.

(9) Each board, or the department when there is no board, may, by rule, impose reasonable conditions, excluding full reexamination but including part of a national examination or a special purpose examination to assess current competency, necessary to ensure that a licensee who has been on inactive status for more than two consecutive biennial licensure cycles and who applies for active status can practice with the care and skill sufficient to protect the health, safety, and welfare of the public.

Reactivation requirements may differ depending on the length of time licenses are inactive. The costs to meet reactivation requirements shall be borne by licensees requesting reactivation.

(10) Before reactivation, an inactive or delinquent licensee shall meet the same continuing education requirements, if any, imposed on an active status licensee for all biennial licensure periods in which the licensee was inactive or delinquent.

(11) The status or a change in status of a licensee shall not alter in any way the board's, or the department's when there is no board, right to impose discipline or to enforce discipline previously imposed on a licensee for acts or omissions committed by the licensee while holding a license, whether active, inactive, or delinquent.

(12) This section does not apply to a business establishment registered, permitted, or licensed by the department to do business or to a person licensed, permitted, registered, or certified pursuant to chapter 310 or chapter 475.

Section 15. Section 455.273, Florida Statutes, is created to read:

455.273 Renewal and cancellation notices.—

(1) At least 90 days before the end of a licensure cycle, the Department of Business and Professional Regulation shall:

(a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department.

(b) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with the department.

(2) Each licensure renewal notification and each notice of pending cancellation of licensure must state conspicuously that a licensee who remains on inactive status for more than two consecutive biennial licensure cycles and who wishes to reactivate the license may be required to demonstrate the competency to resume active practice by sitting for a special purpose examination or by completing other reactivation requirements, as defined by rule of the board or the department when there is no board.

Section 16. Section 455.275, Florida Statutes, is created to read:

455.275 Address of record.—

(1) Each licensee of the department is solely responsible for notifying the department in writing of the licensee's current mailing address and place of practice, as defined by rule of the board or the department when there is no board. A licensee's failure to notify the department of a change of address constitutes a violation of this section, and the licensee may be disciplined by the board or the department when there is no board.

(2) Notwithstanding any other provision of law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required pursuant to s. 455.225.

Section 17. Paragraph (b) of subsection (3) of section 468.385, Florida Statutes, is amended to read:

468.385 Licenses required; qualifications; examination; bond.—

(3) No person shall be licensed as an auctioneer or apprentice if he:

(b) *Has committed any act or offense in this state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389, within the preceding 5 years, been found guilty of a felony.*

Section 18. Section 468.387, Florida Statutes, is amended to read:

468.387 Licensing of nonresidents; endorsement; reciprocity.—

(1) The department shall issue a license by endorsement to practice auctioneering to an applicant who, upon applying to the department and remitting the required fee, set by the board, demonstrates to the board that he satisfies the requirements of s. 468.385(3) and holds a valid license to practice auctioneering in another state, provided that the requirements for licensure in that state are substantially equivalent to or more stringent than those existing in this state. The endorsement and reciprocity provisions of this section shall apply to auctioneers only and not to professions or occupations regulated by other statutes.

~~(2) Upon application for licensure by endorsement or reciprocity, the applicant shall file with the department an irrevocable written consent that service on the department shall be sufficient service of process in actions against the applicant arising out of his auction activities in this or any other state.~~

(2)(3) An applicant for licensure by endorsement or reciprocity under this section shall not be required to file a bond if he attaches evidence that he is currently bonded as an auctioneer for \$10,000 or more in another state and such bond is so conditioned that, in the judgment of the board, it protects persons doing business in the state with the out-of-state auctioneer.

(3)(4) The bonding provisions of this section shall remain effective and concurrent with the provisions of the Auctioneer Recovery Fund pursuant to s. 468.392, until October 1, 1995.

Section 19. Paragraph (g) is added to subsection (2) of section 468.389, Florida Statutes, to read:

468.389 Prohibited acts; penalties.—

(2) When the board finds any person guilty of any of the prohibited acts set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(g) *Requirement that the person in violation make restitution to each consumer affected by that violation. Proof of such restitution shall be a signed and notarized release executed by the consumer or the consumer's estate.*

Section 20. Section 468.401, Florida Statutes, is amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(1) "Talent agency" means any person *who, for compensation, engages or corporation engaged in the occupation or business of operating an agency, bureau, office, or other place for the purpose of procuring or attempting to procure engagements, or for the purpose of giving information as to where such engagements may be provided, for an artist who seeks employment by a buyer in, but not limited to, the following: live or motion picture production, whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, or television commercials; modeling services; conventions; print media; the legitimate stage; radio; circus; vaudeville; musical arts; or a musical organization.*

(2) "Owner" means any partner in a partnership, member of a firm, or principal officer or officers of a corporation, whose partnership, firm, or corporation owns a talent agency, or any individual who is the sole owner of a talent agency.

(3) "Compensation Fee" means any one or more of the following:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered by any person conducting the business of a talent agency under this *part act*;

(b) Any money received by any person in excess of that which has been paid out by such person for transportation, transfer of baggage, or board and lodging for any applicant for employment; or

(c) The difference between the amount of money received by any person who furnishes employees, performers, or entertainers for circus, vaudeville, theatrical, or other entertainments, exhibitions, engagements, or performances and the amount paid by him to such employee, performer, or entertainer.

(4) "Engagement" means any ~~engagement, employment, or placement of an artist, where the artist performs in his or her artistic capacity a person as an actor, performer, model, or entertainer in, but not limited to, a circus; motion picture production, whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, or television commercials; vaudeville; theatrical or any other entertainment exhibition or performance; modeling services; conventions; radio; phonograph recordings; opera; concert; ballet; or print media. Such term does not include the business of managing such exhibitions, performances, or the artist when such business only incidentally involves the seeking of employment therefor.~~ However, the term "engage-

ment" shall not apply to procuring opera, music, theater, or dance engagements for any organization defined in s. 501(c)(3) of the Internal Revenue Code or any nonprofit Florida arts organization that has received a grant from the Division of Cultural Affairs of the Department of State or has participated in the state touring program of the Division of Cultural Affairs.

(5) "Department" means the Department of *Business and Professional Regulation*.

(6) "Operator" means the person who is or who will be in actual charge of a talent agency.

(7) "Buyer" or "employer" means a person, company, partnership, or corporation that uses the services of a talent agency to provide artists.

(8) "Artist" means ~~a person performing an actor or actress rendering services on the professional legitimate stage or in the production of television, radio, or motion pictures; a musician or group of musicians; or a model radio artist; a musical artist; a musical organization; a director of legitimate stage, motion picture, or radio production; or a musical director, writer, cinematographer, composer, lyricist, arranger, or other artist or person rendering professional services in commercial advertising, motion picture, theatrical, radio, modeling, television, or other entertainment or advertising enterprise.~~

(9) "Person" means any individual, company, society, firm, partnership, association, corporation, manager, or any agent or employee of any of the foregoing.

(10) "License" means a license issued by the Department of *Business and Professional Regulation* to carry on the business of a talent agency under this part.

(11) "Licensee" means a talent agency which holds a valid unrevoked and unforfeited license issued under this part.

~~(12) "Talent agent" means a person who, directly or indirectly, procures employment for an artist pursuant to an agent contract, or who for a commission procures, offers, promises, or attempts to obtain employment for such artist with a talent agency. The term does not include a manager agent who guides, advises, or directs an artist regarding the artist's career if the manager agent is not primarily involved in obtaining employment for the artist.~~

Section 21. Section 468.402, Florida Statutes, is amended to read:

468.402 Duties of the department; authority to issue and revoke license; adoption of rules.—

(1) The department may ~~take any one or more of the actions specified in subsection (5) against any person who issue a license to a talent agency and may revoke a license, deny an application for a license, suspend the license for a reasonable period, or assess a civil penalty in an amount not to exceed the biennial license fee, when it is satisfied that the owner or operator of the license or applicant for a license, or any person on behalf of the owner or operator, has:~~

(a) Obtained or attempted to obtain any license by means of fraud, misrepresentation, or concealment.

(b) Violated any provision of this part, *chapter 455*, any lawful disciplinary order of the department, or any rule of the department.

(c) Been found guilty of, or entered a plea of *nolo contendere* to, regardless of or had adjudication, withheld with respect to a crime involving moral turpitude or dishonest dealings under the laws of this state or any other state or government.

(d) Made, printed, published, distributed, or caused, authorized, or knowingly permitted the making, printing, publication, or distribution of any false statement, description, or promise of such a character as to reasonably induce any person to act to his damage or injury, if such statement, description, or promises were purported to be performed by the talent agency and if the owner or operator then knew, or by the exercise of reasonable care and inquiry, could have known, of the falsity of the statement, description, or promise.

(e) Knowingly committed or been a party to any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme, or device whereby any other person lawfully relying upon the work, representation, or conduct of the talent agency acts or has acted to his injury or damage.

(f) Failed or refused upon demand to disclose any information, as required by this part, within his knowledge, or failed or refused to produce any document, book, or record in his possession for inspection to the department or any authorized agent thereof acting within its jurisdiction or by authority of law.

(g) Established the talent agency within any place where intoxicating liquors are sold, any place where gambling is permitted, or any house of prostitution.

(h) Charged, collected, or received compensation for any service performed by the talent agency greater than specified in its schedule of maximum fees, charges, and commissions previously filed with the department.

(i) Had a license to operate a talent agency revoked, suspended, or otherwise acted against, including, but not limited to, having been denied a license for good cause by the licensing authority of another state, territory, or country.

(j) Willfully made or filed a report or record ~~that~~ which the licensee knew to be false, failed to file a report or record required by state or federal law, impeded or obstructed such filing, or induced another person to impede or obstruct such filing. Such reports or records shall include only those ~~that~~ which are signed in the licensee's capacity as a licensed talent agency.

(k) Advertised goods or services in a manner ~~that~~ which was fraudulent, false, deceptive, or misleading in form or content.

(l) Advertised, operated, or attempted to operate under a name other than the name appearing on the license.

(m) Been found guilty of fraud or deceit in the operation of a talent agency.

(n) Operated with a revoked, suspended, ~~or~~ inactive, or delinquent license.

(o) Permitted, aided, assisted, procured, or advised any unlicensed person to operate a talent agency contrary to this ~~part chapter~~ or to a rule of the department.

(p) Failed to perform any statutory or legal obligation placed on a licensed talent agency.

(q) Practiced or offered to practice beyond the scope permitted by law or has accepted and performed professional responsibilities ~~that~~ which the licensee knows or has reason to know that he is not competent to perform.

(r) Conspired with another licensee or with any other person to commit an act, or has committed an act, ~~that~~ which would tend to coerce, intimidate, or preclude another licensee from advertising his services.

(s) Solicited business, either personally or through an agent or through any other person, through the use of fraud ~~or~~ deception, or by other means ~~otherwise~~; through the use of misleading statements; or through the exercise of intimidation or undue influence.

(t) Exploited undue influence on the artist in such a manner as to exploit the artist for financial gain of the licensee or a third party, which includes, but is not limited to, the promoting or selling of services to the artist.

(2) The department may revoke any license ~~that~~ which is issued as a result of the mistake or inadvertence of the department.

(3) The department may adopt reasonable rules for its own government in the exercise of its powers under this part and for the conduct of the business of talent agencies as specified by this part, and the department may amend such rules at its pleasure.

(4) A revoked or suspended license must be returned to the department within 7 days after the time for appeal has elapsed.

(5) Upon a finding of a violation of any one or more of the grounds enumerated in subsection (1) or any other section of this part, the department may take the following actions:

(a) Deny an application for licensure as a talent agency.

(b) Permanently revoke or suspend the license of a talent agency.

(c) *Impose an administrative fine, not to exceed \$5,000, for each count or separate offense.*

(d) *Require restitution.*

(e) *Issue a public reprimand.*

(f) *Place the licensee on probation, subject to such conditions as the department may specify.*

(6) *A person shall be subject to the disciplinary actions specified in subsection (5) for violations of subsection (1) by that person's agents or employees in the course of their employment with that person.*

(7) *The department may deny a license if any owner or operator listed on the application has been associated with a talent agency whose license has been revoked or otherwise disciplined.*

Section 22. Subsections (1), (2), and (4) of section 468.403, Florida Statutes, are amended to read:

468.403 License requirements.—

(1) ~~A No person, firm, or corporation~~ may not own, operate, solicit business, or otherwise engage in or carry on the occupation of a talent agency in this state unless such person ~~or entity~~ first procures a license for the talent agency from the department. *However, a license is not required for a person who acts as an agent for himself, a family member, or exclusively for one artist.*

(2) Each application for a license ~~must shall~~ be accompanied by an application fee ~~set by the department not to exceed of \$300, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant.~~ Each application for a change of operator ~~must shall~~ be accompanied by an application fee of \$150. These fees are not refundable.

(4) Each application ~~must shall~~ include:

(a) The name and address of the owner of the talent agency, ~~and~~

(b) Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a sub-agent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.

(c) *The street and number of the building or place where the talent agency is to be located.*

Section 23. Section 468.404, Florida Statutes, is amended to read:

468.404 License; fees; renewals.—

(1) The department by rule shall establish biennial fees for initial licensing, renewal of license, and reinstatement of license, none of which fees shall exceed \$400. The department may by rule establish a ~~delinquency fee late renewal penalty~~ of no more than \$50. The fees shall be adequate to proportionately fund the expenses of the department which are allocated to the regulation of talent agencies and shall be based on the department's estimate of the revenue required to administer this part.

~~(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses. The department shall notify each licensee 60 days before the renewal date of the need to renew its license. Each licensee which fails to renew its license by the expiration date thereof shall have automatically terminated the right to engage in the business for which it was licensed until it has applied for a new license and such license is issued. A license shall be issued upon written request on the application form prescribed by the department, and the form shall be accompanied by the required fee. When made in proper form, the request shall not be denied or unreasonably delayed.~~

(2)(3) If one or more individuals on the basis of whose qualifications a talent agency license has been obtained cease to be connected with the agency for any reason, the agency business may be carried on for a temporary period, not to exceed 90 days, under such terms and conditions as the department provides by rule for the orderly closing of the business or the replacement and qualifying of a new owner or operator. The licensee's good standing under this part shall be contingent upon the department's approval of any such new owner or operator.

(3)(4) No license shall be valid to protect any business transacted under any name other than that designated in the license, unless consent

is first obtained from the department, unless written consent of the surety or sureties on the original bond required by s. 468.408 is filed with the department, and unless the license is returned to the department for the recording thereon of such changes. A charge of \$25 ~~\$10~~ shall be made by the department for the recording of authorization for each change of name or change of location.

(4)(5) No license issued under this part shall be assignable.

Section 24. Section 468.406, Florida Statutes, is amended to read:

468.406 Fees to be charged by talent agencies; rates; display.—

(1) Each applicant for a license shall file with the application ~~an itemized~~ a schedule of maximum fees, charges, and commissions which it intends to charge and collect for its services. ~~This Such~~ schedule may thereafter be raised only by filing with the department an amended or supplemental schedule at least 30 days before the change is to become effective. The schedule shall be posted in a conspicuous place in each place of business of the agency and shall be printed in not less than a 30-point boldfaced type, except that an agency ~~that which~~ uses written contracts containing maximum fee schedules need not post such schedules.

(2) All money collected by a talent agency from an employer for the benefit of an artist shall be paid to the artist, less the talent ~~agency's agent's~~ fee, within 5 business days after the receipt of such money by the talent agency. No talent ~~agency agent~~ is required to pay money to an artist until the talent ~~agency agent~~ receives payment from the employer or buyer.

Section 25. Subsection (2) of section 468.407, Florida Statutes, is amended to read:

468.407 License; content; posting.—

(2) The talent agency license shall at all times be displayed conspicuously in the place of business in such manner as to be open to the view of the public and subject to the inspection of all duly authorized officers of the state and county. ~~Upon failure to do so, the licensee shall be subject to the payment of a fine not to exceed \$50 for engaging in the business for which such license is required to be obtained.~~

Section 26. Section 468.409, Florida Statutes, is amended to read:

468.409 Records required to be kept.—Each talent agency shall keep on file the application, registration, or contract of each artist. ~~In addition, such file must include accepted applicant for employment, the name and address of each artist applicant, and the amount of the compensation fee received, and all attempts to procure engagements for the artist.~~ No such agency or employee thereof shall knowingly make any false entry in applicant files or receipt files. Each card or document in such files shall be preserved for a period of 1 year after the date of the last entry thereon.

Section 27. Subsection (2) of section 468.410, Florida Statutes, is amended to read:

468.410 Prohibition against registration fees; referral.—

(2) No talent agency shall, as a condition to registering or obtaining employment for any applicant or artist, require the applicant or artist to subscribe to, ~~purchase, or attend~~ any publication, postcard service, advertisement, resume service, ~~photography service~~ ~~photographer~~, school, acting school, workshop, acting workshop, or video or audiotapes.

Section 28. Subsection (8) of section 468.412, Florida Statutes, is amended to read:

468.412 Talent agency regulations.—

(8) No talent agency may divide fees with anyone, including, but not limited to, an agent or other employee of an employer, a buyer, a casting director, producer, ~~or a director, or any venue that uses entertainment.~~

Section 29. Subsections (1) and (2) of section 468.413, Florida Statutes, are amended to read:

468.413 Legal requirements; penalties.—

(1) Each of the following acts constitutes a felony of the third degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084:~~

(a) Owning or operating, or soliciting business as, a talent agency in this state without first procuring a license from the department.

(b) Obtaining or attempting to obtain a license by means of fraud, misrepresentation, or concealment.

(2) Each of the following acts constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Relocating a business as a talent agency, or operating under any name other than that designated on the license, unless written notification is given to the department and to the surety or sureties on the original bond, and unless the license is returned to the department for the recording thereon of such changes.

(b) Assigning or attempting to assign a license issued under this part.

(c) Failing to show on a license application whether or not the agency or any owner of the agency is financially interested in any other business of like nature and, if so, failing to specify such interest or interests.

(d) Failing to maintain the records required by s. 468.409 or knowingly making false entries in such records.

(e) Requiring as a condition to registering or obtaining employment or placement for any applicant that *the such* applicant subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, *photography service* ~~photographer~~, school, acting school, workshop, or acting workshop.

(f) ~~A talent agency's~~ Failing to give each applicant a copy of a contract which lists the services to be provided and the fees to be charged, which states that the talent agency is regulated by the department, and which lists the address and telephone number of the department.

(g) ~~A talent agency's~~ Failing to maintain a record sheet as required by s. 468.412(1).

(h) Knowingly sending or causing to be sent any artist to a prospective employer or place of business, the character or operation of which employer or place of business the talent agency knows to be in violation of the laws of the United States or of this state.

Section 30. Subsection (2) of section 468.452, Florida Statutes, is amended to read:

468.452 Definitions.—For purposes of ss. 468.451-468.457, the term:

(2) "Athlete agent" means a person, *other than a member of The Florida Bar in good standing as defined by Rule 1-3.2 of the Rules Regulating The Florida Bar*, who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who for a fee procures, offers, promises, or attempts to obtain employment for a student athlete with a professional sports team or as a professional athlete.

Section 31. Section 468.520, Florida Statutes, is amended to read:

468.520 Definitions.—As used in this part ~~aet~~:

(1) "Applicant" means a business or individual seeking to be licensed under this part ~~aet~~.

(2) "Board" means the Board of Employee Leasing Companies.

(3) "Department" means the Department of Business and Professional Regulation.

(4) "Employee leasing" means an arrangement whereby a ~~employees of the leasing company assigns its employees are assigned to work at a client and allocates the direction of and control over the leased employees between the leasing company and the client. The term does not include the following company under the following conditions:~~

(a) A temporary help arrangement, whereby an organization hires its own employees and assigns them to a client to support or supplement the client's workforce in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

(b) An arrangement in which an organization employs only one category of employees and assigns them to a client to perform a function inherent to that category and which function is separate and divisible from the primary business of the client.

(c) A facilities staffing arrangement, whereby an organization assigns its employees to staff, in whole or in part, a specific client function or functions, on an ongoing, indefinite basis, provided that the total

number of individuals assigned by that organization under such arrangements comprises no more than 50 percent of the workforce at a client's worksite and provided further that no more than 20 percent of the individuals assigned to staff a particular client function were employed by the client immediately preceding the commencement of the arrangement.

(d) An arrangement in which an organization assigns its employees only to a commonly controlled company or group of companies as defined in s. 414 of the Internal Revenue Code and in which the organization does not hold itself out to the public as an employee leasing company.

(e) A home health agency licensed under chapter 400, unless otherwise engaged in business as an employee leasing company.

(f) A health care services pool licensed under s. 402.48, unless otherwise engaged in business as an employee leasing company.

~~(a) Employment responsibilities are, in fact, shared by the employee leasing company and the client company.~~

~~(b) The employee's assignment is intended to be of a long term, ongoing nature, rather than temporary or seasonal nature.~~

~~(c) A majority of the workforce at a client company worksite consists of leased workers.~~

~~For purposes of this act, employee leasing shall not include temporary help services. Employee leasing does not include arrangements wherein a company not listed in Standard Industrial Classification Industry Code 7363 shares employees with a commonly owned company as defined in s. 414 of the Internal Revenue Code and which does not hold itself out to the public as an employee leasing company.~~

(5) "Employee leasing company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.

(6) "Client company" means a person or entity which contracts with an employee leasing company and is provided employees pursuant to that contract.

(7) "Controlling person" means:

(a) Any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, including, but not limited to:

1. Direct or indirect control of 50 percent or more of the voting securities of the employee leasing company; or

2. The general power to endorse any negotiable instrument payable to or on behalf of the employee leasing company or to cause the direction of the management or policies of any employee leasing company through ownership of voting securities, by contract or otherwise, and is actively involved in the day-to-day management of the company; or

(b) Any natural person employed, appointed, or authorized by an employee leasing company to enter into a contractual relationship with a client company on behalf of the employee leasing company.

~~(8) "Temporary help service" means a service whereby an organization hires its own employees and assigns them to clients to support or supplement the client's work force in special work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects. A "temporary employee" is any individual hired to perform such temporary help services.~~

Section 32. Effective upon this act becoming a law, section 468.521, Florida Statutes, is amended to read:

468.521 Board of Employee Leasing Companies; membership; appointments; terms.—

(1) The Board of Employee Leasing Companies is created within the Department of Business and Professional Regulation and shall consist of seven ~~five~~ members to be appointed by the Governor and confirmed by the Senate.

(2) ~~Five~~ Four members of the board shall be chosen from individuals already engaged in the employee leasing industry, ~~shall be eligible for licensure under this act, and must be shall become licensed pursuant to~~

this part by March 1, 1992. One of the licensed members must be in an employee leasing company that has an annual gross Florida payroll for its leased employees which is among the smallest 20 percent of licensed employee leasing companies in the state at the time of the member's appointment and each reappointment. Thereafter, the professional members of this board must be licensees under this act. The remaining two board members member shall be residents a resident of this state and must not be, or ever have been, connected with the business of employee leasing.

(3) Within 30 days after January 1, 1992, the Governor shall appoint five eligible and qualified persons to be members of the board as follows:

- (a) One member for a term of 2 years.
- (b) Two members for terms of 3 years each.
- (c) Two members for terms of 4 years each.

(3)(4) As the terms of the members expire, The Governor shall appoint members successors for terms of 4 years, and such members shall serve until their successors are appointed. The members' service on the board shall begin upon appointment and shall continue until their successors are appointed.

Section 33. Section 468.522, Florida Statutes, is amended to read:

468.522 Rules of the board.—The board shall adopt all rules necessary to administer this part act. Every licensee shall be governed and controlled by this part the act and the rules adopted by the board.

Section 34. Section 468.523, Florida Statutes, is amended to read:

468.523 Applicability of ch. 455 and s. 20.165.—All provisions of chapter 455 and s. 20.165 relating to activities of regulatory boards shall apply.

Section 35. Section 468.524, Florida Statutes, is amended to read:

468.524 Application for license.—

(1) Each employee leasing company and each controlling person required that desires to be licensed or to renew a previously issued license shall file with the department a complete written application accompanied by a nonrefundable an application fee not to exceed \$250. Each employee leasing company and employee leasing company group application must list on the application each owner who has an interest of 10 percent or more in the company.

(2) The board may require information and certifications necessary to determine that the applicant is of good moral character and meets other licensure requirements of this part act.

(3) An application for licensure of an employee leasing company group that qualifies for group licensure must shall contain the information required by this section for each member of the group.

(4) An applicant or licensee is shall be ineligible to reapply for a license for a period of 1 year following final agency action on the denial or revocation of a license applied for or issued under this part act. This time restriction does shall not apply to administrative denials or revocations entered because wherein the basis for denial was:

(a) The applicant or licensee has made an inadvertent error or omission on the application;

(b) The experience documented to the board was insufficient at the time of the previous application;

(c) The department is was unable to complete the criminal background investigation because of due to insufficient information from the Florida Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency;

(d) The applicant or licensee has failed Failure to submit required fees; or

(e) Where An applicant or licensed employee leasing company has been deemed ineligible for a license because of the lack of good moral character of an individual or individuals when such said individual or individuals are no longer employed in a capacity that which would require their licensing under this part act.

(5) Any applicant that, upon January 1, 1992, has been operating in this state as an employee leasing company or controlling person for at least 6 months shall automatically qualify for a license. A home health agency licensed pursuant to chapter 400 is exempt from the provisions of this act unless otherwise engaged in business as an employee leasing company. However, if the applicant is an employee leasing company it shall, as a condition of licensure, submit evidence satisfactory to the board that the applicant satisfies the requirements of subsection (2) and s. 468.525(1)(b) and (2). Such licenses are, however, subject to discipline for actions engaged in subsequent to January 1, 1992.

Section 36. Effective upon this act becoming a law, section 468.5245, Florida Statutes, is created to read:

468.5245 Change of ownership.—

(1) A license or registration issued to any entity under this part may not be transferred or assigned, and a licensee or registrant may not operate an entity subject to licensure or registration pursuant to this part under any name or at any location other than that specified in the application for the license or registration without having received the prior written consent of the board. The board shall adopt rules to provide for a licensee's or registrant's change of name or location.

(2) A person or entity that seeks to purchase or acquire control of an entity licensed or registered under this part must first apply to the board for a certificate of approval for the proposed change of ownership. The application must contain the name and address of the proposed new owner and other information required by the board.

(3) Any existing stockholders or partners who intend to acquire, from other stockholders or partners, control of an existing entity that is licensed or registered under this part must first apply to the board for a certificate of approval for the proposed change of ownership. The application must contain the names and addresses of the stockholders or partners who own 10 percent or more of the entity and who are seeking to acquire control and other information required by the board.

(4) Before recommending to the board that a certificate of approval be issued to an applicant that has applied under subsection (2) or subsection (3), the department may conduct an investigation of the applicant and examine the records of the entity as part of the investigation in accordance with applicable law and submit its findings to the board. As a part of its investigation, the department shall determine if there are any complaints pending against the company being purchased, the controlling person proposed to operate the purchased entity, or the proposed controlling person's existing company. The board, upon the department's recommendation, shall issue a certificate of approval only after it has determined that the proposed new owner possesses the financial ability, experience, and integrity to operate the entity under s. 468.525.

(5) The board shall waive the requirements of subsection (4) and automatically approve the proposed change in ownership if the application meets the requirements of subsection (2) or subsection (3), the proposed new owner and the current owner are part of the same controlled entity, and no member or controlling person of the controlled entity is under investigation or has been previously denied a license by the board.

(6) Any application that is submitted to the board under this section shall be deemed approved if the board has not approved the application or rejected the application, and provided the applicant with the basis for a rejection, within 90 days after the receipt of the completed application.

(7) The board shall establish filing fees for a change-of-ownership application in accordance with s. 468.524(1).

Section 37. Section 468.525, Florida Statutes, is amended to read:

468.525 License requirements.—

(1) Each controlling person licensed by the department shall:

- (a) Be at least 18 years of age.
- (b) Be of good moral character.

(c) Have the education, managerial, or business experience to successfully operate or be a controlling person of an employee leasing company.

(2)(a) As used in this part act, "good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for the laws of this

state and nation. A thorough background investigation of the individual's good moral character shall be instituted by the department. Such investigation shall require:

1. The submission of fingerprints, for processing through appropriate law enforcement agencies, by the applicant and the examination of police records by the board.

2. Such other investigation of the individual as the board may deem necessary.

(b) The board may deny an application for licensure or renewal citing lack of good moral character. Conviction of a crime within the last 7 years shall not automatically bar any applicant or licensee from obtaining a license or continuing as a licensee. The board shall consider the type of crime committed, the crime's relevancy to the employee leasing industry, the length of time since the conviction and any other factors deemed relevant by the board.

(3) Each employee leasing company licensed by the department shall have a registered agent for service of process in this state *and at least one licensed controlling person*. In addition, each licensed employee leasing company shall comply with the following requirements:

(a) The employment relationship with workers provided by the employee leasing company to a client company shall be established by written agreement between the leasing company and the client, and written notice of that relationship shall be given by the employee leasing company to each worker who is assigned to perform services at the client company's worksite.

(b) An applicant for an initial employee leasing company license shall have a tangible accounting net worth of not less than \$50,000.

(c) An applicant for *initial or renewal license* of an employee leasing company license or *employee leasing company group* shall have an ~~a tangible~~ accounting net worth or shall have guaranties, letters of credit, or other security acceptable to the board in sufficient amounts to offset any deficiency. A guaranty will not be acceptable to satisfy this requirement unless the applicant submits sufficient evidence to satisfy the board that the guarantor has adequate resources to satisfy the obligation of the guaranty.

(d) Each employee leasing company shall maintain *an accounting net worth and positive working capital*, as determined in accordance with generally accepted accounting principles, or shall have *guaranties, letters of credit, or other security acceptable to the board in sufficient amounts to offset any deficiency*. A guaranty will not be acceptable to satisfy this requirement unless the licensee submits sufficient evidence, as defined by rule, that the guarantor has adequate resources to satisfy the obligation of the guaranty. In determining the amount of working capital, a licensee shall include adequate reserves for all *taxes and insurance, including plans of self-insurance or partial self-insurance for claims incurred but not paid and for claims incurred but not reported*. Compliance with the requirements of this paragraph is subject to verification by department or board audit.

(e) *Each employee leasing company or employee leasing company group shall submit annual financial statements audited by an independent certified public accountant, with the application and within 120 days after the end of each fiscal year, in a manner and time prescribed by the board, provided however, that any employee leasing company or employee leasing company group with gross Florida payroll of less than \$2,500,000 during any fiscal year may submit financial statements reviewed by an independent certified public accountant for that year.*

(f) *The licensee shall notify the department or board in writing within 30 days after any change in the application or status of the license.*

(g) *Each employee leasing company or employee leasing company group shall maintain accounting and employment records relating to all employee leasing activities for a minimum of 3 calendar years.*

(h) *An employee leasing company or employee leasing company group may not include in a business entity that provides employee leasing any employees who engage in services or arrangements excluded from the definition of employee leasing as set forth in s. 468.520(4).*

(4) The employee leasing company's contractual arrangements with its client companies, shall satisfy the following conditions, whereby the leasing company:

(a) Reserves a right of direction and control over leased employees assigned to the client's location. *However, a client may retain such sufficient direction and control over the leased employees as is necessary to conduct the client's business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility that it may have, or comply with any applicable licensure, regulatory, or statutory requirement of the client.*

(b) Assumes responsibility for the payment of wages to the leased employees without regard to payments by the client to the leasing company.

(c) Assumes full responsibility for the payment of payroll taxes and collection of taxes from payroll on leased employees.

(d) Retains authority to hire, ~~terminate~~ fire, discipline, and reassign the leased employees. *However, the client company may have the right to accept or cancel the assignment of any leased employee.*

(e) Retains a right of direction and control over management of safety, risk, and hazard control at the worksite or sites affecting its leased employees, including:

1. Responsibility for performing safety inspections of client equipment and premises.

2. Responsibility for the promulgation and administration of employment and safety policies.

3. Responsibility for the management of workers' compensation claims, claims filings, and related procedures.

(f) Has given written notice of the relationship between the employee leasing company and the client company to each leased employee it assigns to perform services at the client's worksite.

Section 38. Subsections (1) and (3) of section 468.526, Florida Statutes, are amended to read:

468.526 License required; fees.—

(1) ~~An Commencing October 1, 1992, no employee leasing company or controlling person may not shall engage in business from offices in this state or enter into any contractual relationship with a client company relating to business conducted by the client company in this state without first obtaining a license therefor from the department.~~

(3) Each employee leasing company and employee leasing company group licensee shall pay to the department upon the initial issuance of a license and upon each renewal thereafter a license fee not to exceed \$2,500 to be established by the board. In addition to the license fee, the board shall establish an annual assessment for each employee leasing company and each employee leasing company group sufficient to cover all costs for regulation of the profession pursuant to this chapter, chapter 455, and any other applicable provisions of law. The annual assessment shall:

(a) Be due and payable upon initial licensure and subsequent renewals thereof and 1 year before ~~prior to~~ the expiration of any licensure period; and

(b) Be based on a fixed percentage, variable classes, or a combination of both, as determined by the board, of gross Florida payroll for ~~employees leased to clients by the applicant or licensee of an employee leasing company's or employee leasing company group's clients~~ during the period beginning five quarters before and ending one quarter before each assessment. It is the intent of the Legislature that the greater weight of total fees for licensure and assessments should be on larger companies and groups.

Section 39. Section 468.527, Florida Statutes, is amended to read:

468.527 Licensure and license; renewal; ~~temporary license~~.—

(1) The department shall license any applicant who the board certifies is qualified to practice employee leasing as an employee leasing company, employee leasing company group, or controlling person.

(2) Each license issued to an employee leasing company, employee leasing company group, or controlling person shall be renewed biennially. The department shall renew a license upon receipt of a renewal application and the applicable renewal fee.

Section 40. Section 468.5275, Florida Statutes, is created to read:

468.5275 Registration and exemption of de minimus operations.—

(1) An employee leasing company is exempt from the licensing requirements specified in s. 468.525 and from the fees specified in s. 468.526 if such company:

- (a) Submits a properly executed request for registration and exemption on a form provided by the department;
- (b) Is domiciled outside the state and is licensed or registered as an employee leasing company in its state of domicile or residence;
- (c) Does not provide leased employees to a client whose business is located or domiciled in this state;
- (d) Does not maintain an office in this state or solicit in any manner clients located or domiciled within this state; and
- (e) Does not have more than 50 leased employees working in this state.

(2) A registration is valid for 1 year. Each registrant shall pay to the department upon initial registration, and upon each renewal thereafter, a registration fee to be established by the board in an amount not to exceed:

- (a) \$250 for an employee leasing company.
- (b) \$500 for an employee leasing company group.

Section 41. Section 468.528, Florida Statutes, is amended to read:

468.528 ~~Delinquent licenses~~ *Inactive status.*—

(1) Failure to renew the license at the time of renewal and pay the appropriate fee shall result in the license becoming delinquent. Licensees shall have 30 days after the renewal date in which to renew their licenses and pay a late fee not to exceed \$300 ~~\$100~~. If payment is not received within this 30-day time period, the license shall automatically *become void without further action of the board* ~~revert to inactive status~~.

~~(2) Licenses which have become inactive may be reactivated pursuant to this section upon application to the department, payment of a late fee and reapplication fee not to exceed \$250, and applicable licensure fees for the current licensure biennium. Any license which has been inactive for more than 4 years shall automatically expire and become null and void. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

Section 42. Section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(1) A licensed employee leasing company is the employer of the leased employees, except that this provision is not intended to affect the determination of any issue arising under Pub. L. No. 93-406, the Employee Retirement Income Security Act, as amended from time to time. An employee leasing company shall be responsible for *timely* payment of unemployment taxes pursuant to chapter 443, and shall be responsible for providing workers' compensation *coverage* ~~benefits~~ pursuant to chapter 440. However, no licensed employee leasing company shall sponsor a plan of self-insurance for health benefits, except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employee Retirement Income Security Act, as amended from time to time. For purposes of this section, a "plan of self-insurance" shall exclude any arrangement where an admitted insurance carrier has issued a policy of insurance primarily responsible for the obligations of the health plan. ~~A licensed employee leasing company having a plan of self-insurance for health benefits for its leased employees in effect as of March 1, 1991, shall be granted a period of 12 months from January 1, 1992, to bring its plan into compliance with the requirement of this section.~~

(2) ~~An initial or renewal~~ *No license may not* shall be issued to any employee leasing company unless the employee leasing company first files with the board evidence of workers' compensation coverage for all

leased employees in this state. Each employee leasing company shall maintain and make available to its workers' compensation carrier the following information:

- (a) The correct name and federal identification number of each client company.
- (b) A listing of all covered employees provided to each client company, by classification code.
- (c) The total eligible wages by classification code and the premiums due to the carrier for the employees provided to each client company.

(3) A licensed employee leasing company shall *within 30 days of initiation or termination* ~~promptly~~ notify its workers' compensation insurance carrier, ~~the Division of Workers' Compensation~~ *the National Council on Compensation Insurance*, and the Division of Unemployment Compensation of the Department of Labor and Employment Security of *both the initiation or the termination of the company's relationship with any client company.*

(4) *An initial or renewal license may not be issued to any employee leasing company unless the employee leasing company first provides evidence to the board, as required by board rule, that the employee leasing company has paid all of the employee leasing company's obligations for payroll, payroll-related taxes, workers' compensation insurance, and employee benefits. All disputed amounts must be disclosed in the application.*

(5) *The provisions of this section are subject to verification by department or board audit.*

Section 43. Section 468.530, Florida Statutes, is amended to read:

468.530 License, contents; posting.—

(1) All licenses issued pursuant to this ~~part~~ *act* shall be in a form prescribed by the department.

(a) Each employee leasing company license shall specify the name under which the licensee is to operate, the address of the principal place of business, and, if applicable, the full name and title of at least one of the controlling persons of the company; and the expiration date of the license.

(b) Each controlling person license shall specify the licensee's full name and business address and the expiration date of the license. Each employee leasing company group license shall specify the foregoing information for each member of the group.

(2) Each employee leasing company license shall at all times be posted in a conspicuous place in the principal place of business of the licensee in this state. Each employee leasing company shall display, in a place that is in clear and unobstructed public view, a notice stating that the business operated at this location is licensed and regulated by the Department of *Business and Professional Regulation* and that any questions or complaints should be directed to the department.

(3) No license shall be valid for any person or entity who engages in the business under any name other than that specified in the license. A license issued under this ~~part~~ *act* shall not be assignable, and no licensee may conduct a business under a fictitious name without prior written authorization of the board to do so. The board may not authorize the use of a name which is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. No licensee shall be permitted to conduct business under more than one name unless it has obtained a separate license. A licensee desiring to change its licensed name at any time except upon license renewal shall notify the board and pay a fee not to exceed \$50 for each authorized change of name.

(4) *Each employee leasing company or employee leasing company group licensed under this part shall be properly identified in all advertisements, which must include the license number, licensed business name, and other appropriate information in accordance with rules established by the board.*

Section 44. Section 468.531, Florida Statutes, is amended to read:

468.531 Prohibitions; penalties.—

(1) No person or entity shall:

(a) Practice as an employee leasing company, an employee leasing company group, or a controlling person unless such person or entity is licensed pursuant to this part ~~act~~;

(b) Practice as an employee leasing company or employee leasing company group unless all controlling persons thereof are licensed pursuant to this part;

(c)(b) Use the name or title "licensed employee leasing company," "employee leasing company group," or "controlling person" when such person or entity has not registered pursuant to this part ~~act~~;

(d)(e) Present as his own or his entity's own the license of another;

(e)(d) Knowingly give false or forged evidence to the board or a member thereof ~~for the purpose of obtaining a license~~; or

(f)(e) Use or attempt to use a license ~~that which~~ has been suspended or revoked.

(2) Any person or entity ~~that which~~ violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 45. Section 468.532, Florida Statutes, is amended to read:

468.532 Discipline.—

(1) The following constitute grounds for which disciplinary action against a licensee may be taken by the board:

(a) Being convicted ~~of~~ or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, bribery, fraud, or willful misrepresentation in obtaining, attempting to obtain, or renewing a license.

(b) Being convicted ~~of~~ or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the operation of an employee leasing business or the ability to engage in business as an employee leasing company.

(c) Being convicted ~~of~~ or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the classification of employees pursuant to chapter 440.

(d) Being convicted ~~of~~ or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the establishment or maintenance of self-insurance, be it health insurance or workers' compensation insurance.

(e) Being convicted ~~of~~ or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, fraud, deceit, or misconduct in the operation of an employee leasing company.

(f) Conducting business without ~~an active a license or with a revoked or suspended license~~.

(g) Failing to maintain ~~evidence of the workers' compensation insurance as required in s. 468.529~~.

(h) Transferring or attempting to transfer a license issued pursuant to this part ~~act~~.

(i) Violating any provision of this part ~~act~~ or any lawful order or rule issued under the provisions of this part ~~act~~ or chapter 455

(j) Failing to notify the board, in writing, of any change ~~of address~~ of the primary business address or the addresses of any of the licensee's offices in the state.

(k) Having been confined in any county jail, post-adjudication, or being confined in any state or federal prison or mental institution, or when through mental disease or deterioration, the licensee can no longer safely be entrusted to deal with the public or in a confidential capacity.

(l) Having been found guilty for a second time of any misconduct that warrants suspension or being found guilty of a course of conduct or practices which ~~shows show~~ that the licensee is so incompetent, negligent, dishonest, or untruthful that the money, property, transactions, and rights of investors, or those with whom the licensee may sustain a confidential relationship, may not safely be entrusted to the licensee.

(m) Failing to inform the board in writing within 30 days after being convicted ~~of~~ or found guilty of, or entering a plea of nolo contendere to any felony, regardless of adjudication.

(n) Failing to conform to any lawful order of the board.

(o) Being determined liable for civil fraud by a court in any jurisdiction.

(p) Having adverse material final action taken by any state or federal regulatory agency for violations within the scope of control of the licensee.

(q) Failing to inform the board in writing within 30 days after any adverse material final action by a state or federal regulatory agency.

(r) Failing to meet or maintain the requirements for licensure as an employee leasing company or controlling person.

(s) Engaging as a controlling person any person who is not licensed as a controlling person by the board.

(t) Attempting to obtain, obtaining, or renewing a license to practice employee leasing by bribery, misrepresentation, or fraud.

(2) When the board finds any violation of subsection (1), it may do one or more of the following:

(a) Deny an application for licensure.

(b) Permanently revoke, suspend, restrict, or not renew a license.

(c) Impose an administrative fine not to exceed \$5,000 for every count or separate offense.

(d) Issue a reprimand.

(e) Place the licensee on probation for a period of time and subject to such conditions as the board may specify.

(f) Assess costs associated with investigation and prosecution.

(3) Upon revocation or suspension of a license, the licensee ~~must shall~~ immediately return to the department the license ~~that which~~ was revoked or suspended.

(4) The board shall specify by rule the penalties for any violation of this part ~~act~~.

Section 46. Section 468.533, Florida Statutes, is amended to read:

468.533 Collected fees.—All fees collected pursuant to this part ~~act~~ shall be deposited into the Professional Regulation Trust Fund.

Section 47. Section 468.534, Florida Statutes, is amended to read:

468.534 Application.—Nothing in this part ~~act~~ shall exempt any client of any employee leasing company, or any leased employee, from any other license requirements of state, local, or federal law. Any employee leased to a client company, who is licensed, registered, or certified pursuant to law, shall be deemed to be an employee of the client company for such licensure purposes, but shall remain an employee of the employee leasing company as specified in chapters 440 and 443.

Section 48. Effective upon this act becoming a law, section 468.535, Florida Statutes, is created to read:

468.535 Investigations; audits; review.—

(1) The department may make investigations, audits, or reviews within or outside this state as it deems necessary:

(a) To determine whether a person or company has violated or is in danger of violating any provision of this part, chapter 455, or any rule or order thereunder; or

(b) To aid in the enforcement of this part or chapter 455.

(2) All material compiled by the department in any investigation, audit, review of a proposed change of ownership of an employee leasing company, or other review under this part is subject to ss. 455.225(2) and 455.229(1).

Section 49. Effective upon this act becoming a law, section 468.602, Florida Statutes, is amended to read:

468.602 Exemptions.—This part does *not* apply to:

(1) Persons who possess a valid certificate, issued pursuant to s. 633.081, for conducting firesafety inspections, when conducting firesafety inspections.

(2) Persons currently licensed or certified to practice as an architect pursuant to chapter 481, an engineer pursuant to chapter 471, or a contractor pursuant to chapter 489, when performing any services authorized by such license or certificate.

(3) Persons acting as inspectors and plans examiners pursuant to s. 235.26 while conducting activities authorized by certification under that section.

Section 50. Subsections (1) and (4) of section 468.603, Florida Statutes, are amended to read:

468.603 Definitions.—As used in this part:

(1) "Building code administrator" or "building official" ~~"administrator"~~ means any of those employees of municipal or county governments with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance. This term is synonymous with "building official" as used in the administrative chapter of the ~~Southern~~ Standard Building Code and the South Florida Building Code. *One person employed by each municipal or county government as a building code administrator or building official and who is so certified under this part may be authorized to perform any plan review or inspection for which certification is required by this part.*

(4) "Department" means the Department of Business and Professional Regulation.

Section 51. Section 468.605, Florida Statutes, is amended to read:

468.605 Florida Building Code Administrators and Inspectors Board.—

(1) There is created within the Department of Business and Professional Regulation the Florida Building Code Administrators and Inspectors Board. Members shall be appointed by the Governor, subject to confirmation by the Senate. Members shall be appointed for 4-year terms. No member shall serve more than two consecutive 4-year terms, nor serve for more than 11 years on the board. To ensure continuity of board policies, the Governor shall initially appoint one member for a 1-year term, two members for 2-year terms, two members for 3-year terms, and two members for 4-year terms.

(2) The board shall consist of ~~nine seven~~ members, as follows:

(a) One member who is an architect licensed pursuant to chapter 481, an engineer licensed pursuant to chapter 471, or a contractor licensed pursuant to chapter 489.

(b) ~~Two members~~ ~~One member~~ serving as a building code administrator ~~administrator~~.

(c) One member serving as a building inspector who is without managerial authority in the employing agency.

(d) *One member serving as a plans examiner.*

~~(e)(d)~~ *One member who is a representative serving as a mayor of a city or chairperson of the commission of a charter county.*

~~(f)(e)~~ *One member serving as a city manager.*

~~(g)(f)~~ *Two consumer members who are not, and have never been, members of a profession regulated under this part, chapter 481, chapter 471, or chapter 489. One of the consumer members must be a person with a disability or a representative of an organization which represents persons with disabilities.*

None of the board members described in paragraph (a) or paragraph (g) ~~(f)~~ may be an employee of a municipal, county, or state governmental agency.

Section 52. Subsections (2) and (5) of section 468.609, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

468.609 Administration of this part; standards for certification; *additional categories of certification.*—

(2) A person shall be entitled to take the examination for certification pursuant to this part if the person:

(a) Is *at least* 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

~~1. Demonstrates 3 years' experience as a building inspector;~~

~~1.2. Demonstrates 5 4 years' combined experience in the field of construction or inspection corresponding to the certification category sought; or~~

~~2.3. Demonstrates a combination of postsecondary education and experience which totals 4 years, with at least 1 year of such experience in construction or building inspection; or~~

~~3. For certification as a building code administrator or building official, demonstrates 10 years' combined experience as an architect, engineer, building inspector, contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions.~~

(5)(a) A building code administrator, plans examiner, or inspector holding office on July 1, 1993, shall not be required to possess a standard certificate as a condition of tenure or continued employment, but shall be required to obtain a limited certificate as described in this subsection.

(b) By October 1, 1993, individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or inspectors, who are not eligible for a standard certificate, but who wish to continue in such employment, shall submit to the board the appropriate application and certification fees and shall receive a limited certificate qualifying them to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

(c) The limited certificate shall be valid only as an authorization for the building code administrator, plans examiner, or inspector to continue in the position held, *and to continue performing all functions assigned to that position, on July 1, 1993, and shall expire on October 1, 1995.* ~~However, limited certificates issued to employees of counties with a population of less than 50,000, or to employees of municipalities with a population of less than 3,500, shall expire on October 1, 1998.~~

(d) A building code administrator, plans examiner, or inspector holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance of a standard certificate or provisional certificate appropriate for such new position.

(10) *The board may by rule create categories of certification in addition to those defined in s. 468.603(6) and (7). Such certification categories shall not be mandatory and shall not act to diminish the scope of any certificate created by statute.*

Section 53. Chapter 469, Florida Statutes, consisting of sections 469.001, 469.002, 469.003, 469.004, 469.005, 469.006, 469.007, 469.008, 469.009, 469.011, 469.012, 469.013, 469.014, and 469.015, is created to read:

469.001 Definitions.—As used in this chapter:

(1) "Abatement" means the removal, encapsulation, enclosure, or disposal of asbestos.

(2) "AHERA" means the Asbestos Hazard Emergency Response Act of 1986, 15 U.S.C. s. 2601, and any rules adopted thereunder.

(3) "Asbestos" means the asbestiform varieties of chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite.

(4) "Asbestos abatement worker" means a person who works as an employee under the direction of a licensed asbestos contractor, and includes any person directly engaged in abatement activities.

(5) "Asbestos consultant" means a person who offers to, undertakes to, submits a bid to, or does, individually or by employing others, conduct surveys for asbestos-containing materials, develop operation and maintenance plans, monitor and evaluate asbestos abatement, prepare asbestos abatement specifications, or perform related tasks.

(6) "Asbestos-containing material," means any material which contains more than 1 percent asbestos as determined by polarized light microscopy.

(7) "Asbestos contractor" means the person who is qualified and responsible for the contracted project and who offers to, undertakes to, submits a bid to, or does, individually or by employing others, remove, encapsulate, or enclose asbestos-containing materials or dispose of asbestos-containing waste in the course of activities including, but not limited to, construction, renovation, maintenance, or demolition.

(8) "Asbestos surveyor" means a person who works under the direction of a licensed asbestos consultant and engages in the survey and assessment of asbestos-containing materials. This term is synonymous with "inspector" under AHERA.

(9) "Department" means the Department of Business and Professional Regulation.

(10) "Encapsulation" means the application of any coating to asbestos-containing material to prevent fiber release.

(11) "Enclosure" means the construction of an airtight barrier around asbestos-containing material to prevent fiber release.

(12) "Friable" means the condition of any asbestos-containing materials which, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

(13) "Management planner" means a person who works under the direction of a licensed asbestos consultant and engages in the development of asbestos abatement schedules or operation and maintenance plans.

(14) "NESHAP" means the National Emission Standards for Hazardous Air Pollutants, 40 C.F.R. part 61, subpart M.

(15) "NIOSH" means the National Institute for Occupational Safety and Health.

(16) "Onsite roofing supervisor" means a person who works under the direction of a roofing contractor certified pursuant to part I of chapter 489 and provides supervision of removal of asbestos-containing roofing materials at the project site at all times when such activities are being performed.

(17) "Onsite supervisor" means a person who works under the direction of a licensed asbestos contractor and provides supervision of abatement activities at the abatement project site at all times when such activities are being performed. This term is synonymous with "onsite representative" in the NESHAP asbestos rules.

(18) "Operation and maintenance plan" means a set of work practices and procedures undertaken to clean up previously released asbestos fibers, prevent future release of fibers by minimizing disturbance or damage to asbestos-containing materials, or monitor the condition of the asbestos-containing materials.

(19) "OSHA" means the Occupational Safety and Health Administration.

(20) "Project monitor" means a person who monitors asbestos abatement projects for compliance with project specifications, applicable safety and health regulations, and other contract requirements under the direction of a licensed asbestos consultant.

(21) "Survey" means the process of inspecting a facility for the presence of asbestos-containing materials prior to transfer of property, renovation, demolition, or maintenance projects which may disturb asbestos-containing materials.

(22) "Training course provider" means an entity or any of its agents engaged in providing training courses required by this chapter.

469.002 Exemptions.—

(1) This chapter does not apply to:

(a) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, public or private school, or private entity who has completed all training required by NESHAP and OSHA or by AHERA for the activities described in this paragraph and who is conducting abatement work solely for maintenance

purposes within the scope of the person's employment involving less than 160 square feet of asbestos-containing materials or less than 260 linear feet of asbestos-containing material on pipe, so long as the employee is not available for hire or does not otherwise engage in asbestos abatement, contracting, or consulting.

(b) Asbestos-related activities which disturb asbestos-containing materials within manufacturing, utility, or military facilities and which are undertaken by regular full-time employees of the owner or operator who have completed all training required by this chapter or NESHAP and OSHA for conducting such activities in areas where access is restricted to authorized personnel who are carrying out specific assignments.

(c) Reinspections at public or private schools, whether K-12 or any other configuration, when conducted by an employee who has completed the AHERA-required training for such reinspections pursuant to this chapter and who is conducting work within the scope of the person's employment.

(d) Moving, removal, or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement

State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove, or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state, and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision who has completed all training required by NESHAP and OSHA or by AHERA for the activities described in this paragraph, while engaged in asbestos-related activities involving the demolition of a residential building owned by that governmental unit, where such activities are within the scope of that employment and the employee does not hold out for hire or otherwise engage in asbestos abatement, contracting, or consulting.

(2) Nothing in this section shall be construed to alter or affect otherwise applicable Florida Statutes and rules promulgated thereunder, or Environmental Protection Agency or OSHA regulations regarding asbestos activities.

469.003 License required.—

(1) No person may conduct an asbestos survey, develop an operation and maintenance plan, or monitor and evaluate asbestos abatement unless trained and licensed as an asbestos consultant as required by this chapter.

(2)(a) No person may prepare asbestos abatement specifications unless trained and licensed as an asbestos consultant as required by this chapter.

(b) Any person engaged in the business of asbestos surveys prior to October 1, 1987, who has been certified by the Department of Labor and Employment Security as a certified asbestos surveyor, and who has complied with the training requirements of s. 469.013(1)(b), may provide survey services as described in s. 255.553(1), (2), and (3). The Department of Labor and Employment Security may, by rule, establish violations, disciplinary procedures, and penalties for certified asbestos surveyors.

(3) No person may conduct asbestos abatement work unless licensed by the department under this chapter as an asbestos contractor, except as otherwise provided in this chapter.

469.004 License; asbestos consultant; asbestos contractor.—

(1) The department shall license all asbestos consultants. No asbestos consultant's license may be issued unless the applicant holds a current, valid, active license as an architect issued pursuant to chapter 481; unless the applicant holds a current, valid, active license as a professional engineer issued pursuant to chapter 471; unless the applicant holds a current, valid, active license as a professional geologist issued pursuant to chapter 492; unless the applicant is a diplomat of the American Board of Industrial Hygiene; or unless the applicant has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.

(2) The department shall license all asbestos contractors. No asbestos contractor's license may be issued unless the applicant holds a current, valid, active certificate issued pursuant to part I of chapter 489, and an asbestos contractor may not perform abatement activities involving work beyond the scope authorized for such certificate pursuant to s. 489.105(3).

(3) Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered pursuant to part I of chapter 489, provided all such activities are performed under the direction of an onsite roofing supervisor trained as provided in s. 469.012.

(4) Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, or disposal of asbestos-containing resilient floor covering or its adhesive, provided:

(a) The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.

(b) All such activities are performed according to the recommended work practices published by the Resilient Floor Covering Institute in July 1990 and amended in December 1992.

(c) The removal is not subject to asbestos licensing or accreditation requirements pursuant to federal asbestos NESHAP regulations as promulgated by the United States Environmental Protection Agency.

(d) All persons removing the resilient floor covering or its adhesive have received 8 hours of training in the use of such recommended work practices and asbestos awareness.

(e) Written notice of the time, place, and company performing such removal is provided to the Department of Business and Professional Regulation at least 3 days prior to such removal. The contractor removing such flooring materials is responsible for maintaining proof that all the conditions required under this paragraph are met. -

(5) Prior to the department's issuance of any asbestos consultant's license or any asbestos contractor's license, each applicant shall provide evidence, as provided by the department by rule, that the applicant has met the requirements of s. 469.005.

(6) All licenses under this section shall be renewed every 2 years. Prior to renewing any license, the department shall require proof that any person who is licensed as a contractor under this section has completed a 1-day course of continuing education during each of the preceding 2 years and that any person who is licensed as a consultant under this section has completed a 2-day course of continuing education during each of the preceding 2 years.

469.005 License requirements.—All applicants for licensure as either asbestos consultants or asbestos contractors shall:

(1) Pay the initial licensing fee.

(2) Successfully complete the following courses, as approved by the department:

(a) An asbestos abatement project management and supervision course. Such course shall consist of not less than 4 days of instruction and shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, legal and insurance considerations, contract specifications, sampling and analytical methodology, worker protection, and work area protection.

(b) A course in building asbestos surveys and mechanical systems. Such course shall consist of not less than 3 days of instruction.

(c) A course in asbestos management planning. Such course shall consist of not less than 2 days of instruction.

(d) A course in respiratory protection. Such course shall consist of not less than 3 days of instruction.

(3) Provide evidence of satisfactory work on 10 asbestos projects within the last 5 years.

(4) Provide evidence of financial stability.

(5) Pass a department-approved examination of qualifications and knowledge relating to asbestos.

469.006 Licensure of business organizations; qualifying agents.—

(1) If an individual proposes to engage in consulting or contracting in that individual's own name, the license may be issued only to that individual.

(2) If the applicant proposes to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the legal entity must apply for licensure through a qualifying agent or the individual applicant must apply for licensure under the fictitious name.

(a) The application must state the name of the partnership and of each of its partners, the name of the corporation and of each of its officers and directors and the name of each of its stockholders who is also an officer or director, the name of the business trust and of each of its trustees, or the name of such other legal entity and of each of its members.

1. The application for primary qualifying agent must include an affidavit on a form provided by the department attesting that the applicant's signature is required on all checks, drafts, or payments, regardless of the form of payment, made by the entity, and that the applicant has final approval authority for all construction work performed by the entity.

2. The application for financially responsible officer must include an affidavit on a form provided by the department attesting that the applicant's signature is required on all checks, drafts, or payments, regardless of the form of payment, made by the entity, and that the applicant has authority to act for the business organization in all financial matters.

3. The application for secondary qualifying agent must include an affidavit on a form provided by the department attesting that the applicant has authority to supervise all construction work performed by the entity as provided in s. 489.1195(2).

(b) A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that must be qualified in accordance with department rules.

(c) The license, when issued upon application of a business organization, must be in the name of the business organization, and the name of the qualifying agent must be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(d) The applicant must furnish evidence of statutory compliance if a fictitious name is used, the provisions of s. 865.09(7) notwithstanding.

(3) The qualifying agent shall be licensed under this chapter in order for the business organization to be licensed in the category of the business conducted for which the qualifying agent is licensed. If any qualifying agent ceases to be affiliated with such business organization, the agent shall so inform the department. In addition, if such qualifying agent is the only licensed individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and shall have 60 days from the termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in consulting or contracting until a qualifying agent is employed, unless the department has granted a temporary nonrenewable license to the financially responsible officer, the president, the sole proprietor, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary license shall only allow the entity to proceed with incomplete contracts.

(4)(a) The qualifying agent shall inform the department in writing if the agent proposes to engage in consulting or contracting in the agent's own name or in affiliation with another business organization, and the agent or the new business organization shall supply the same information to the department as is required of initial applicants under this chapter.

(b) Upon a favorable determination by the department, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without any examination, a new license in the business organization's name, and the name of the qualifying agent shall be noted thereon.

(5)(a) Each asbestos consultant or contractor shall affix the consultant's or contractor's seal, if any, and license number to each construction document, plan, or any other document prepared or approved for use by the licensee which is related to any asbestos abatement project and filed for public record with any governmental agency, and to any offer, bid, or contract submitted to a client.

(b) The license number of each consultant or contractor shall appear in any printed matter or any newspaper, airwave transmission, phone directory, or other advertising medium offering or related to asbestos consulting or contracting, as provided by department rule.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for licensure of a new business organization. If the qualifying agent for a business organization desires to qualify additional business organizations, the department shall require the agent to present evidence of ability and financial responsibility of each such organization. The issuance of such additional licensure is discretionary with the department.

(7) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined, other than by citation, for violating s. 469.009(2), the department may, on that basis alone, deny issuance, or issue with conditions, a license to a business organization, financially responsible officer, or qualifying agent.

469.007 Responsibilities.—

(1) A qualifying agent is a primary qualifying agent unless that agent is a secondary qualifying agent under this section.

(a) All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization, for all field work at all sites, and for financial matters, both for the organization in general and for each specific job.

(b) Upon approval by the department, a business entity may designate a financially responsible officer for purposes of licensure. A financially responsible officer shall assume personal responsibility for all financial aspects of the business organization and shall not be designated as the primary qualifying agent.

(c) Where a business organization has a licensed financially responsible officer, the primary qualifying agent shall be responsible for all construction or consulting activities of the business organization, both in general and for each specific job.

(2)(a) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the department, by all qualifying agents for the business organization.

(b) The joint agreement must be submitted to the department for approval. If the department determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents.

(c) The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(d) A designated sole primary qualifying agent has all the responsibilities and duties of a primary qualifying agent, notwithstanding that there are secondary qualifying agents for specified jobs. The designated sole primary qualifying agent is jointly and equally responsible with secondary qualifying agents for field work supervision.

(e) A secondary qualifying agent is responsible only for:

1. The supervision of field work at sites where that agent's license was used to obtain the building permit.

2. Any other work for which that agent accepts responsibility. A secondary qualifying agent is not responsible for supervision of financial matters.

(3)(a) A qualifying agent who has been designated by a joint agreement as the sole primary qualifying agent for a business organization may terminate that status by giving actual notice to the business organization, to the department, and to all secondary qualifying agents of the agent's intention to terminate that status. Notice to the department must include proof satisfactory to the department that the agent has given the notice required in this paragraph.

(b) The status of the qualifying agent shall cease upon the designation of a new primary qualifying agent or 60 days after satisfactory notice of termination has been provided to the department, whichever first occurs.

(c) If no new primary qualifying agent has been designated within 60 days, all secondary qualifying agents for the business organization shall become primary qualifying agents unless the joint agreement specifies that one or more of them shall become sole qualifying agents under such circumstances, in which case only they shall become sole qualifying agents.

(d) Any change in the status of a qualifying agent is prospective only. A qualifying agent is not responsible for any predecessor's actions but is responsible, even after a change in status, for all matters that were the agent's own responsibility while in a particular status.

469.008 Fees.—The department shall establish, by rule, reasonable fees to be paid for applications, examinations, licensing and renewal, recordmaking, and recordkeeping. Fees for application, initial licensure, renewal, or reactivation may not exceed \$500 per applicant. The department may, by rule, establish late renewal penalty fees, in an amount not to exceed the initial licensure fee.

469.009 License revocation, suspension, and denial of issuance or renewal.—

(1) The department may revoke, suspend, or deny the issuance or renewal of a license; reprimand, censure, or place on probation any contractor, consultant, financially responsible officer, or business organization; require financial restitution to a consumer; impose an administrative fine not to exceed \$5,000 per violation; require continuing education; or assess costs associated with any investigation and prosecution if the contractor or consultant, or business organization or officer or agent thereof, is found guilty of any of the following acts:

(a) Willfully or deliberately disregarding or violating the health and safety standards of the Occupational Safety and Health Act of 1970, the Construction Safety Act, the National Emission Standards for Asbestos, the Environmental Protection Agency Asbestos Abatement Projects Worker Protection Rule, the Florida Statutes or rules promulgated thereunder, or any ordinance enacted by a political subdivision of this state.

(b) Violating any provision of chapter 455.

(c) Failing in any material respect to comply with the provisions of this chapter or any rule promulgated hereunder.

(d) Acting in the capacity of an asbestos contractor or asbestos consultant under any license issued under this chapter except in the name of the licensee as set forth on the issued license.

(e) Proceeding on any job without obtaining all applicable approvals, authorizations, permits, and inspections.

(f) Obtaining a license by fraud or misrepresentation.

(g) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of asbestos consulting or contracting or the ability to practice asbestos consulting or contracting.

(h) Knowingly violating any building code, life safety code, or county or municipal ordinance relating to the practice of asbestos consulting or contracting.

(i) Performing any act which assists a person or entity in engaging in the prohibited unlicensed practice of asbestos consulting or contracting, if the licensee knows or has reasonable grounds to know that the person or entity was unlicensed.

(j) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(k) Being disciplined by any municipality or county for an act or violation of this chapter.

(l) Failing in any material respect to comply with the provisions of this chapter, or violating a rule or lawful order of the department.

(m) Abandoning an asbestos abatement project in which the asbestos contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 20 days if the contractor terminates the project without just cause and without proper notification to the owner, including the reason for termination; if the contractor fails to reasonably secure the project to safeguard the public while work is stopped; or if the contractor fails to perform work without just cause for 20 days.

(n) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

(o) Committing fraud or deceit in the practice of asbestos consulting or contracting.

(p) Committing incompetency or misconduct in the practice of asbestos consulting or contracting.

(q) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of asbestos consulting or contracting.

(r) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

(s) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(2) If a contractor or consultant disciplined under subsection (1) is a qualifying agent for a business organization and the violation was performed in connection with any asbestos survey, operation and maintenance plan, abatement project, or asbestos-related activities undertaken by that business organization, the department may impose an additional administrative fine not to exceed \$5,000 per violation against the business organization or against any partner, officer, director, trustee, or member of such organization if such person participated in the violation or knew or should have known of the violation and failed to take reasonable corrective action.

(3) Nothing in this chapter may be construed to limit the power of any board within the department to discipline any licensee disciplined pursuant to this chapter for acts which constitute a violation of any other practice act, notwithstanding that such acts are part of the same transaction or occurrence.

(4) Revocation of any license under this chapter is permanent.

(a) A licensee is not eligible to apply for relicensure and is not eligible to be a partner, officer, director, or trustee of, or be employed in a managerial or supervisory capacity by, a business organization defined by s. 469.006 for a period of 5 years from the date the revocation is effective.

(b) The department shall by rule provide criteria for application for licensure following revocation.

469.011 Authority to make rules.—The department shall adopt such rules, not inconsistent with law, as may be necessary to implement the provisions of this chapter. In developing the rules, the department shall consider related Florida Statutes and the rules promulgated thereunder, the criteria established in the Environmental Protection Agency Guidelines, and AHERA, NESHAP, and OSHA regulations.

469.012 Course requirements for onsite supervisors and asbestos abatement workers.—

(1) Each asbestos contractor's onsite supervisor must complete an asbestos project management and supervision course of not less than 4 days prior to engaging in onsite supervision. Such training shall cover the nature of the health risks, the medical effects of exposure, federal and state asbestos laws and regulations, worker protection, and work area protection. Each onsite supervisor must also complete a continuing education course of not less than 1 day in length each year.

(2) All asbestos abatement workers, including onsite supervisors, must complete a department-approved course of not less than 3 days in abatement prior to removing, encapsulating, enclosing, or disposing of asbestos-containing materials.

(3) Onsite roofing supervisors must complete an asbestos roofing course, in addition to the requirements of subsection (2), prior to engaging in the removal of asbestos-containing materials.

(4) All asbestos abatement workers, including onsite supervisors, must complete, as a condition of renewal of licensure, such courses of continuing education each year as are approved and required by the department.

(5) Each asbestos or roofing contractor shall be responsible for securing and retaining all records in order to verify that all persons working under that contractor's direction have completed all required courses. Such records shall be produced upon the department's request.

469.013 Course requirements for asbestos surveyors, management planners, and project monitors.—

(1) All asbestos surveyors, management planners, and project monitors must comply with the requirements set forth in this section prior to commencing such activities and must also complete a 1-day course of continuing education each year thereafter.

(a) Management planners must complete all requirements of s. 469.005(2)(c).

(b) Asbestos surveyors must complete all requirements of s. 469.005(2)(b).

(c) Project monitors must complete all requirements of s. 469.005(2)(a) and must also complete an asbestos sampling course which is equivalent to NIOSH Course 582.

(2) Each asbestos consultant shall be responsible for securing and retaining all records in order to verify that all surveyors, planners, and monitors working under that consultant's direction have completed all required courses. Such records shall be produced upon the department's request.

469.014 Approval of asbestos training courses and providers.—The department shall approve training courses and the providers of such courses as are required for initial and renewal licensure pursuant to this chapter.

(1) The department shall, by rule, provide criteria for approval of training courses and course providers and may by rule amend the required training required by this chapter.

(2) The department may enter into agreements with other states for the reciprocal approval of training courses or training course providers.

(3) The department shall, by rule, establish reasonable fees in an amount not to exceed the cost of evaluation, approval, and recordmaking and recordkeeping of training courses and training course providers.

(4) The department may impose any penalty available against licensees pursuant to this chapter or s. 455.227 against training course providers, may decline to approve courses, and may withdraw approval of courses proposed by a provider who has, or whose agent has, been convicted of, or pled guilty or nolo contendere to, or entered into a stipulation or consent agreement relating to, without regard to adjudication, any crime or administrative violation in any jurisdiction which involves fraud, deceit, or false or fraudulent representations made in the course of seeking approval of or providing training courses.

469.015 Seals.—

(1) The department shall prescribe, by rule, a form of seal to be used by asbestos consultants and asbestos contractors holding valid licenses. Each asbestos consultant or contractor shall obtain an impression-type metal seal in the form aforesaid. All plans, specifications, plats, or reports prepared or issued by the consultant or contractor and being filed for public record shall be signed by the consultant or contractor, dated, and stamped with such seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. It is unlawful for any person to stamp or seal any document with a seal after that person's license has expired or been revoked or suspended, unless reinstated or reissued.

(2) When the license of an asbestos consultant or contractor has been revoked or suspended by the department, it shall be mandatory that the consultant or contractor surrender that consultant's or contractor's seal to the secretary of the department within a period of 30 days after the revocation or suspension has become effective. In the event the consultant's or contractor's license has been suspended for a period of time, the seal shall be returned to the consultant or contractor upon expiration of the suspension period.

(3) No asbestos consultant or contractor may affix or permit to be affixed that consultant's or contractor's seal or name to any plan, specification, drawing, or other document that depicts work which is beyond the scope of licensure for the consultant's or contractor's profession or specialty.

Section 54. Subsection (4) of section 469.004, Florida Statutes, is repealed on July 1, 1995, and shall be reviewed by the appropriate legislative committees prior to the 1995 legislative session. The legislative committees shall make a recommendation on whether the said subsection should stand repealed, be modified, or reenacted.

Section 55. Sections 455.302, 455.303, 455.304, 455.305, 455.306, 455.307, 455.308, and 455.309, Florida Statutes; section 455.301, Florida Statutes, as amended by chapter 92-149, Laws of Florida; and sections 455.3022 and 455.310, Florida Statutes, as created by chapter 92-149, Laws of Florida, are hereby repealed.

Section 56. Section 255.553, Florida Statutes, is amended to read:

255.553 Survey required.—Each state agency shall survey or cause to be surveyed for the presence of asbestos-containing materials each public building for which it is responsible. Except as provided in s. 255.554, the survey shall be conducted by an asbestos consultant licensed under chapter 469 pursuant to ss. 455.301-455.309 and shall be conducted in accordance with AHERA initial inspection procedures; Environmental Protection Agency guidelines; National Emission Standards for Hazardous Air Pollutants; Occupational Safety and Health Administration regulations; and any subsequent recommendations made by the Asbestos Oversight Program Team established under s. 255.565. The survey shall:

- (1) Determine all materials which may contain asbestos;
- (2) Identify the location and quantify the types of asbestos-containing materials;
- (3) Assess the hazard of the existing asbestos-containing materials as they relate to any situation where a person may come into contact with asbestos;

(4) Prioritize the areas which need immediate asbestos abatement action according to the hazard assessment; and

(5) Estimate the cost of recommended abatement alternatives.

The asbestos program administrator shall review the asbestos surveys and consult with the affected agency to determine on a priority basis the need for instituting abatement procedures, and the asbestos program administrator shall institute abatement procedures on a priority basis as directed by the secretary of the Department of Labor and Employment Security.

Section 57. Subsection (11) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(11) The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of s. 469.003 455.302 and to notify the Department of Environmental Regulation of his intentions to remove asbestos, when applicable, in accordance with state and federal law.

Section 58. There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation during fiscal year 1994-1995 the sum of \$108,051 and three FTE positions to implement the provisions of this act relating to asbestos abatement.

Section 59. Subsection (28) is added to section 470.002, Florida Statutes, to read:

470.002 Definitions.—As used in this chapter:

(28) "*Disinterment*" means removal of a dead human body from earth interment or aboveground interment.

Section 60. Section 470.006, Florida Statutes, is amended to read:

470.006 Licensure as an embalmer by examination; provisional license.—

(1) Any person desiring to be licensed as an embalmer shall apply to the department to take the licensure examination. The department shall examine each applicant who has remitted an examination fee set by the board not to exceed \$200 plus the actual per applicant cost to the department for portions of the examination and who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee set by the board not to exceed \$50.

(b) Submitted proof satisfactory to the board that the applicant is *at least not less than* 18 years of age and is a recipient of a high school degree or equivalent.

(c) Had no conviction or finding of guilt, regardless of adjudication, for a crime which directly relates to the ability to practice embalming or the practice of embalming.

(d) Completed a course in mortuary science approved by the board, which course embraces, at least, the following subjects: theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, and public health and sanitation.

(e) Submitted proof of completion of a board-approved course on communicable diseases.

(2) The department shall license the applicant as an embalmer if *the applicant*:

(a) ~~he~~ Passes an examination on the subjects of the theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies; however, the board by rule may adopt the use of a national examination, such as the embalming examination prepared by the Conference of Funeral Service Examining Boards, in lieu of part of this examination requirement; and;

(b) *Completes a 1-year internship under a licensed embalmer.*

(3) Any applicant who has been approved for examination as an embalmer may qualify for a provisional license to work in a licensed

funeral establishment, under the direct supervision of a licensed embalmer for a limited period of 6 months as provided by rule of the board, ~~for a fee of \$50. The fee for provisional licensure shall be set by the board, but may not exceed \$125, and shall be nonrefundable and in addition to the fee required in subsection (1).~~ This provisional license may be renewed no more than one time. ~~An~~ No applicant may not be granted a license until he has completed a 1-year internship as prescribed by rule of the board ~~under a licensed embalmer.~~

Section 61. Section 470.007, Florida Statutes, is amended to read:

470.007 Licensure as an embalmer by endorsement; registration of a temporary embalmer.—

(1) The department shall issue a license by endorsement to practice embalming to an applicant who has remitted an examination fee set by the board not to exceed \$200 and who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by the board not to exceed \$50.

(b)1. Holds a valid license to practice embalming in another state of the United States, provided that, when the applicant secured his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in this state; or

2. Meets the qualifications for licensure in s. 470.006, except that the internship requirement shall be deemed to have been satisfied by 1 year's practice as a licensed embalmer in another state, and has, *within 10 years prior to the date of application*, successfully completed a state, regional, or national examination in mortuary science, which, *as determined by rule of the board*, is substantially equivalent to or more stringent than the examination given by the department, ~~within 10 years of the date of application.~~

(c) Has submitted proof of completion of a board-approved course on communicable diseases.

(2) State, regional, or national examinations and requirements for licensure in another state shall be presumed to be substantially equivalent to or more stringent than the examination and requirements in this state unless found otherwise by rule of the board.

(3) The department shall not issue a license by endorsement *or a temporary registration* to any applicant who is under investigation or prosecution in *any another* jurisdiction for an act which would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 470.006 and which shall be given by the department.

(5) The board may adopt rules authorizing an applicant who has met the requirements of paragraphs (1)(b) and (c) and who is awaiting an opportunity to take the examination required by subsection (4) to register as a temporary embalmer. A registered temporary embalmer may work as an embalmer in a licensed funeral establishment under the general supervision of a licensed embalmer. Such registration shall expire 60 days after the date of the next available examination required under subsection (4); however, the temporary registration may be renewed one time under the same conditions as initial issuance. The fee for registration *or renewal of registration* as a temporary embalmer shall be set by the board, *but may and shall not exceed \$125. The fee required in this subsection, which shall be nonrefundable and in addition to the fee required in subsection (1).*

Section 62. Section 470.008, Florida Statutes, is amended to read:

470.008 Registration of an embalmer intern.—

(1) Any person desiring to become an embalmer intern shall make application to the department on forms provided by the department, together with a nonrefundable fee not to exceed \$100. The application shall indicate the name and address of the licensed embalmer under whose supervision the intern will receive training and the name of the licensed funeral establishment *or centralized embalming facility* where such training is to be conducted. The embalmer intern shall intern under the *direct* supervision of a licensed embalmer *who has an active, valid license.*

(2) An applicant for internship *under this section* shall meet the requirements of s. 470.006(1)(b)-(c)(b) ~~and (c)~~ prior to being registered by the board as an *embalmer intern.*

(3) The board shall adopt rules establishing an *embalmer* internship program and criteria for *embalmer* intern training agencies and *intern* supervisors. Any funeral establishment *or centralized embalming facility* where embalming is conducted *must* ~~may~~ apply to the board for approval as an *embalmer* intern training agency.

(4) A ~~No~~ funeral establishment *or centralized embalming facility* designated as an *embalmer* intern training agency may *not* exact a fee from any person obtaining intern training at such funeral establishment *or centralized embalming facility.*

Section 63. Section 470.009, Florida Statutes, is amended to read:

470.009 Licensure as a funeral director by examination; provisional license.—

(1) Any person desiring to be licensed as a funeral director shall apply to the department to take the licensure examination. The department shall examine each applicant who has remitted an examination fee set by the board not to exceed \$200 plus the actual per applicant cost to the department for portions of the examination and who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee set by the board not to exceed \$50.

(b) Submitted proof satisfactory to the board that the applicant is *at least not less than* 18 years of age and is a recipient of a high school degree or equivalent.

(c) Had no conviction or finding of guilt, regardless of adjudication, for a crime which directly relates to the ability to practice funeral directing or the practice of funeral directing.

(d)1. Received an associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the board; or

2. Holds an associate degree or higher from a college or university accredited by a regional association of colleges and schools recognized by the United States Department of Education and is a graduate of at least a 1-year course in mortuary science approved by the board.

(e) Submitted proof of completion of a board-approved course on communicable diseases.

(f) Has completed a 1-year internship under a licensed funeral director.

(2) The department shall license the applicant as a funeral director if he passes an examination on the subjects of the theory and practice of funeral directing, public health and sanitation, and local, state, and federal laws and rules relating to the disposition of dead human bodies; however, the board by rule may adopt the use of a national examination, such as the funeral service arts examination prepared by the Conference of Funeral Service Examining Boards, in lieu of part of this examination requirement.

(3) Any applicant who has been approved for examination as a funeral director may qualify for a provisional license to work in a licensed funeral establishment, under the direct supervision of a licensed funeral director for a limited period of 6 months as provided by rule of the board, ~~for a fee of \$50. The fee for provisional licensure shall be set by the board, but may not exceed \$125. The fee required in this subsection shall be nonrefundable and in addition to the fee required by subsection (1).~~ This provisional license may be renewed no more than one time. *An applicant may not be granted a license until that applicant has completed a 1-year internship as prescribed by rule of the board.*

Section 64. Section 470.011, Florida Statutes, is amended to read:

470.011 Licensure as a funeral director by endorsement; registration of a temporary funeral director.—

(1) The department shall issue a license by endorsement to practice funeral directing to an applicant who has remitted a fee set by the board not to exceed \$200 and who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by the board not to exceed \$50.

(b)1. Holds a valid license to practice funeral directing in another state of the United States, provided that, when the applicant secured his original license, the requirements for licensure were substantially equivalent to or more stringent than those existing in this state; or

2. Meets the qualifications for licensure in s. 470.009 and has, *within 10 years prior to the date of application*, successfully completed a state, regional, or national examination in mortuary science, which, *as determined by rule of the board*, is substantially equivalent to or more stringent than the examination given by the department, ~~within 10 years of the date of application~~.

(c) Has submitted proof of completion of a board-approved course on communicable diseases.

(2) The department shall not issue a license by endorsement or a temporary registration to any applicant who is under investigation or prosecution in *any another* jurisdiction for acts which would constitute a violation of this chapter until such time as the investigation or prosecution is complete.

(3) State, regional, or national examinations and requirements for licensure in another state shall be presumed to be substantially equivalent to or more stringent than the examination and requirements in this state unless found otherwise by rule of the board.

(4) Each applicant for licensure by endorsement must pass the examination on local, state, and federal laws and rules relating to the disposition of dead human bodies which is required under s. 470.009 and which shall be given by the department.

(5) The board may adopt rules authorizing an applicant who has met the requirements of paragraphs (1)(b) and (c) and who is awaiting an opportunity to take the examination required by subsection (4) to register as a temporary funeral director. A registered temporary funeral director may work as a funeral director in a licensed funeral establishment under the general supervision of a licensed funeral director. Such registration shall expire 60 days after the date of the next available examination required under subsection (4); however, the temporary registration may be renewed one time under the same conditions as initial issuance. The fee for registration or renewal of registration as a temporary funeral director shall be set by the board, *but may and shall not exceed \$125. The fee required in this subsection, which shall be nonrefundable and in addition to the fee required in subsection (1).*

Section 65. Section 470.012, Florida Statutes, is amended to read:

470.012 Registration of a funeral director intern.—

(1) Any person desiring to become a funeral director intern shall make application to the department on forms provided by the department, together with a nonrefundable fee not to exceed \$100. The application shall indicate the name and address of the licensed funeral director under whose supervision the intern will receive training and the name of the licensed funeral establishment where such training is to be conducted. The funeral director intern shall intern under the *direct* supervision of a licensed funeral director *who has an active, valid license*.

(2) The board shall adopt rules establishing a *funeral director* ~~an~~ internship program and criteria for *funeral director* intern training agencies and ~~intern~~ supervisors. Any funeral establishment where funeral directing is conducted may apply to the board for approval as a *funeral director* ~~an~~ intern training agency.

(3) A ~~No~~ funeral establishment designated as a *funeral director* ~~an~~ intern training agency may *not* exact a fee from any person obtaining intern training at such funeral establishment.

Section 66. Section 470.013, Florida Statutes, is amended to read:

470.013 License as funeral director and embalmer permitted; display of license.—

(1) Nothing in this chapter may be construed to prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time.

(2) ~~Each license issued to a funeral director or embalmer shall include a recent photograph of the licensee.~~ The board shall adopt rules which

require each license issued under this chapter to be displayed in such a manner as to make it visible to the public and to facilitate inspection by the department. *However, each licensee shall permanently affix a recent photograph of the licensee to each displayed license issued to that licensee as a funeral director or embalmer.*

Section 67. Section 470.0165, Florida Statutes, is amended to read:

470.0165 Direct disposition; duties.—

(1) Those individuals registered as direct disposers may perform only those functions set forth below:

(a) Remove human remains from the place of death and store human remains in registered direct disposal establishments.

(b) Secure pertinent information from the decedent's next of kin in order to complete the death certificate and to file for the necessary permits for direct disposition.

(c) Obtain the necessary permits for direct disposition and arrange for obituaries and death notices to be placed in newspapers; provided, however, that the name of the direct disposal establishment may not appear in any death notice or obituary if any funeral service, memorial service, or graveside service is to take place and such service is mentioned in the death notice or obituary.

(d) Refrigerate human remains prior to direct disposition and transport human remains to a direct disposal establishment for direct disposition.

(e) Contract with a removal service or refrigeration facility to provide such services or facilities to a direct disposal establishment.

(2) Direct disposers or funeral directors functioning as direct disposers may not, in their capacity as direct disposers, sell, conduct, or arrange for *burials*, funeral services, memorial services, visitations, or viewings; hold themselves out to the public as funeral directors; or use any name, title, or advertisement that may tend to connote that they are funeral directors. These prohibitions shall apply regardless of the fact that such individuals may be licensed as funeral directors.

(3) Provided that direct disposers limit their activities to those functions set forth in subsection (1), those activities shall not be deemed to constitute funeral directing or embalming or the functions performed by a funeral director or embalmer as otherwise set forth in this *chapter part*.

Section 68. Section 470.017, Florida Statutes, is amended to read:

470.017 Registration as a direct disposer.—

(1) Any person who is not a licensed funeral director and who engages in the practice of direct disposition shall be registered pursuant to this section as a direct disposer.

(2) Any person who desires to be registered as a direct disposer shall file an application with the department on a form furnished by the department. The department shall register each applicant who has remitted a registration fee set by the department, not to exceed \$200; has completed the application form and remitted a nonrefundable application fee set by the department, not to exceed \$50; and meets the following requirements:

(a) Is *at least* 18 years of age.

(b) Is a high school graduate or equivalent.

(c) Has no conviction or finding of guilt, and has never entered a plea of nolo contendere, regardless of adjudication, for a crime which directly relates to the functions and duties of a direct disposer or the practice of direct disposition.

(d) Has *received a passing grade in* ~~completed~~ a college credit course in Florida mortuary law.

(e) Has completed a board-approved course on communicable diseases.

(f) Has passed an examination prepared by the department on the local, state, and federal laws and rules relating to the disposition of dead human bodies.

(3) ~~Each registration issued to a direct disposer shall include a recent photograph of the registrant.~~ The board shall adopt rules which require

each registration issued under this section to be displayed in such a manner as to make it visible to the public and to facilitate inspection by the department. *However, each registrant shall permanently affix a recent photograph of the registrant to each displayed registration issued to that registrant as a direct disposer.*

(4) Notwithstanding the provisions of paragraph (2)(b), any person may be registered as a direct disposer who has attained at least 5 years of continuous experience as a cinerator facility operator, applied to the board by October 1, 1994, and has otherwise met the requirements of subsection (2). Proof of the necessary experience may be required by the board by rule.

Section 69. Section 470.019, Florida Statutes, is amended to read:

470.019 Disciplinary actions against direct disposers and direct disposal establishments.—

(1) *When the board finds any person guilty of any of the grounds set forth in subsection (2), it may enter an order imposing one or more of the following penalties. Upon a finding of a violation of any one or more of the grounds enumerated in subsection (2) or any other section of this chapter, the board may take the following actions:*

(a) Deny an application for registration as a direct disposer or direct disposal establishment.

(b) *Permanently* revoke the registration of a direct disposer or direct disposal establishment.

(c) Suspend the registration of a direct disposer or direct disposal establishment.

(d) Impose an administrative fine, not to exceed \$5,000 ~~\$1,000~~, for each count or separate offense.

(e) Issue a public reprimand.

(f) Place the registrant on probation, subject to such conditions as the department may specify, including requiring the registrant to attend continuing education courses or work under the supervision of another registrant.

(g) *Assess the costs associated with investigation and prosecution.*

(2) The following shall be sufficient grounds for *the penalties imposed under disciplining according to* subsection (1):

(a) Procuring or attempting to procure a registration by bribery, by fraudulent misrepresentations, or through an error of the department or board.

(b) *Having been convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, of a crime in any jurisdiction that directly relates to the practice of direct disposition or the ability to practice direct disposition. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges; provided, however, that the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea.*

(c) Having been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter, chapter 245, chapter 382, chapter 406, *chapter 497*, or chapter 872 or that directly relates to the practice of direct disposition.

(d) Misrepresentation or fraud in the conduct of the business of a direct disposer or direct disposal establishment.

(e) Making any false or misleading statement, oral or written, directly or indirectly, regarding any law or rule pertaining to the preparation for disposition, transportation for disposition, or disposition of dead human bodies.

(f) Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for direct disposing business, by the registrant or his agent, assistant, or employee; however, this provision shall not prohibit the payment of commissions by a direct disposer to his agents registered pursuant to s. 497.439 or to registrants under this section.

(g) Aiding or abetting an unregistered person to engage in the disposition of dead human bodies or remains as provided under this chapter or to engage in conduct or activities for which a license to engage in the profession of funeral directing or embalming is required.

(h) Violation of any state law or rule or any municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies.

(i) Refusing to surrender promptly the custody of a dead human body upon the expressed order of the person legally authorized to its custody; however, this provision shall be subject to any state or local laws or rules governing custody or transportation of dead human bodies.

(j) Taking possession of a dead human body without first having obtained written or oral permission from a legally authorized person ~~to remove the body. If oral permission is granted, the registrant must obtain written permission within a reasonable time as established by board rule.~~

(k) Requiring that a casket be purchased for cremation or claiming directly or by implication that a casket is required for cremation.

(l) Advertising goods and services in a manner which is fraudulent, deceptive, or misleading in form or content.

(m) Violating a statute or administrative rule regulating practice under this chapter or a lawful disciplinary order of the board or the department.

(n) Practicing with a revoked, suspended, ~~or~~ inactive, *or delinquent* registration.

(o) Soliciting by the registrant, or by his agent, assistant, or employee, through the use of fraud, undue influence, intimidation, overreaching, or other form of vexatious conduct.

(p) Fraud or deceit in the practice of direct disposition.

(q) *Making or filing a report or record which the registrant knows to be false, intentionally or negligently failing to file a report or record required by state, local, or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a registered direct disposer.*

(r) *Engaging in the practice of direct burial or offering at-need or preneed service of direct burial.*

(3) *The department shall reissue the suspended registration of a disciplined registrant upon certification by the board or its agent that the disciplined registrant has complied with all of the terms and conditions set forth in the final order; however, revocation of a registration is permanent.*

Section 70. Section 470.0201, Florida Statutes, is amended to read:

470.0201 Health and safety education.—All individuals *not licensed by the department* who intend to be employed ~~function~~ as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility, as well as all nonlicensed individuals who intend to be involved in the removal or transportation of human remains on behalf of a funeral establishment, *direct disposal establishment, or cinerator facility* shall complete one course approved by the board on communicable diseases, within 10 days after the date that they begin functioning as operational personnel on behalf of any entity that is regulated by this chapter. The course shall not exceed 3 hours and shall be offered at approved locations throughout the state. Such locations may include establishments that are licensed or registered under this chapter. The board shall adopt rules to implement and enforce this provision, which rules shall include provisions that provide for the use of approved videocassette courses and other types of audio, video, or home study courses to fulfill the continuing education requirements of this section. *This course shall not be construed to replace the course on human immunodeficiency virus and acquired immune deficiency syndrome required for individuals licensed by the department.*

Section 71. Section 470.021, Florida Statutes, is amended to read:

470.021 Direct disposal establishment; standards and location; registration.—

(1) A direct disposer shall practice at a direct disposal establishment which has been registered with the department and which may be a cinerator facility licensed under s. 470.025. The board shall establish by rule standards for direct disposal establishments, including, but not limited to, requirements for refrigeration and storage of dead human bodies.

(2) The practice of direct disposition must be engaged in at a fixed location. No person may open or maintain an establishment at which to engage in or hold himself out as engaging in the practice of direct disposition unless such establishment ~~is~~ has registered with the board. Any change in location of such establishment shall be reported promptly to the board as prescribed by rule of the board.

(3) An application for a direct disposal establishment registration shall be made on a form furnished by the department, shall include the name of the registered direct disposer ~~or licensed funeral director acting as a direct disposer~~ who is in charge of that establishment, and shall be accompanied by a nonrefundable fee not to exceed \$300 as set by the department.

(4) A direct disposal establishment registration shall be renewed biennially pursuant to procedures and upon payment of a fee not to exceed \$300 as set by the board. The board may also establish by rule a ~~delinquency late-renewal penalty~~ fee not to exceed \$50. Any direct disposal establishment registration not renewed within 30 days shall expire without further action by the department or the board.

(5)(a) Each direct disposal establishment shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department, the Department of Health and Rehabilitative Services, and local government inspectors and by their agents. The board shall adopt rules which establish such inspection requirements.

(b) The board shall set by rule an annual inspection fee not to exceed \$100, payable upon application for registration and upon each renewal of such registration.

(6) Each application for a direct disposal establishment registration must identify every person with the ability to direct the management or policies of the establishment and must identify every person having more than a 10-percent ownership interest in the establishment or the business or corporation which owns the establishment. The board may deny, suspend, or revoke the registration if any person identified in the application has ever been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter. The board may deny, suspend, or revoke the registration if any person identified in the application has ever been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the ability to operate a direct disposal establishment.

(7) Each direct disposal establishment must display at the public entrance the name of the establishment and the name of the direct disposer ~~or licensed funeral director acting as a direct disposer~~ responsible for that establishment. A direct disposal establishment must transact its business under the name by which it is registered.

(8) Each direct disposal establishment must notify the board in writing prior to any change in ownership, name, or registered person in charge.

(9) Each registered direct disposal establishment shall have one full-time registered direct disposer ~~or licensed funeral director acting as a direct disposer~~ in charge and ~~shall have a direct disposer~~ reasonably available to the public during normal business hours for that establishment. ~~Such person may be in charge of only one facility. The full-time direct disposer in charge may not be the full-time direct disposer in charge of any other direct disposal establishment.~~

Section 72. Section 470.024, Florida Statutes, is amended to read:

470.024 Funeral establishment; licensure.—

(1) A funeral establishment shall be a place at a specific street address or location consisting of at least 1,250 contiguous interior square feet and must maintain or make arrangements for either suitable capacity for the refrigeration and storage of dead human bodies handled and stored by the establishment or a preparation room equipped with necessary ventilation and drainage and containing necessary instruments for embalming dead human bodies.

(2) No person may conduct, maintain, manage, or operate a funeral establishment unless an establishment operating license has been issued by the department for that funeral establishment.

(3) Application for a funeral establishment license shall be made on forms furnished by the department, shall be accompanied by a nonrefundable fee not to exceed \$300 as set by board rule, and shall include the name of the licensed funeral director who is in charge of that establishment.

(4) A funeral establishment license shall be renewable biennially pursuant to procedures, and upon payment of a nonrefundable fee not to exceed \$300, as set by board rule. The board may also establish by rule a ~~delinquency late-renewal penalty~~ fee not to exceed \$50. Any funeral establishment license not renewed within 30 days shall expire without further action by the department.

(5) The practice of embalming done at a funeral establishment shall only be practiced by an embalmer licensed under this chapter.

(6) Each licensed funeral establishment shall have one full-time funeral director in charge and shall have a licensed funeral director reasonably available to the public during normal business hours for that establishment. The full-time funeral director in charge ~~must have an active license and~~ may not be the full-time funeral director in charge of any other funeral establishment ~~or of any other direct disposal establishment.~~

(7) The issuance of a license to operate a funeral establishment to a person or entity who is not individually licensed as a funeral director does not entitle the person to practice funeral directing.

(8) Each funeral establishment located at a specific address shall be deemed to be a separate entity and shall require separate licensing and compliance with the requirements of this chapter. No funeral establishment shall be operated at the same location as any other funeral establishment or direct disposal establishment unless such establishments were colocated on January 1, 1993.

(9) Every funeral establishment licensed under this chapter shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department or any of its designated representatives or agents, or local or Department of Health and Rehabilitative Services inspectors. The board shall by rule establish requirements for inspection of funeral establishments.

(10) The board shall set by rule an annual inspection fee not to exceed \$100, payable upon application for licensure and upon each renewal of such license.

(11) A change in ownership of a funeral establishment shall be promptly reported to the department and may require the relicensure of the funeral establishment, including reinspection and payment of applicable fees.

(12) Each application for a funeral establishment license shall identify every person with the ability to direct the management or policies of the establishment and must identify every person having more than a 10-percent ownership interest in the establishment or the business or corporation which owns the establishment. The board may deny, suspend, or revoke the license if any person identified in the application has ever been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter. The board may deny, suspend, or revoke the license if any person identified in the application has ever been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the ability to operate a funeral establishment.

(13) Each funeral establishment must display at the public entrance the name of the establishment and the name of the full-time funeral director in charge. A funeral establishment must transact its business under the name by which it is licensed.

Section 73. Section 470.025, Florida Statutes, is amended to read:

470.025 Cinerator facility; licensure.—

(1) No person may conduct, maintain, manage, or operate a cinerator facility unless a license for such facility has been issued by the department.

(2) Application for licensure of cinerator facilities shall be on a form furnished and prescribed by the department and shall be accompanied by a nonrefundable license fee of up to \$300 as set by board rule. No license may be issued unless the cinerator facility has been inspected and approved as meeting all requirements as set forth by the department, the

Department of Health and Rehabilitative Services, the Department of Environmental Protection Regulation, or any local ordinance regulating the same. The board shall establish by rule standards for cinerator facilities, including, but not limited to, requirements for refrigeration and storage of dead human bodies, use of forms and contracts, and record retention.

(3) Licenses shall be renewed biennially in accordance with a schedule established by the department. The nonrefundable biennial renewal fee shall be up to \$300 as set by board rule. The board may also establish by rule a ~~delinquency late renewal penalty~~ fee not to exceed \$50. Any cinerator facility license not renewed within 30 days shall expire without further action by the department or the board.

(4) A change in ownership of a cinerator facility shall be promptly reported to the department and may require the relicensure of the cinerator facility, including reinspection and payment of applicable fees.

(5) The board shall adopt rules requiring each facility to submit periodic reports to the department which include the names of persons cremated, the date and county of death, the name of each person supervising each cremation, the name and license number of the establishment requesting cremation, and the types of containers used to hold the body during cremation.

(6) No more than one dead human body may be placed in a retort at one-time, unless written permission has been received from a legally authorized person for each body.

(7)(a) Each cinerator facility shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department, the Department of Environmental Protection Regulation, the Department of Health and Rehabilitative Services, and local government inspectors and by their agents. The board shall adopt rules which establish such inspection requirements.

(b) The board shall set by rule an annual inspection fee not to exceed \$100, payable upon application for licensure and upon each renewal of such license.

(8) A cinerator facility licensed under this section shall only receive dead human bodies for cremation. A cinerator facility may not receive other materials, such as medical, hazardous, and biohazardous waste, for the purpose of disposal in a retort.

(9) Each cinerator facility shall be under the general supervision of a licensed funeral director or registered direct disposer who shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.

(10) Each application for a cinerator facility license must identify every person with the ability to direct the management or policies of the facility and must identify every person having more than a 10-percent ownership interest in the facility or the business or corporation which owns the facility. The board may deny, suspend, or revoke the license if any person identified in the application has ever been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter. The board may deny, suspend, or revoke the license if any person identified in the application has ever been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the ability to operate a cinerator facility.

(11) Each cinerator facility must display at the public entrance the name of the facility and the name of the funeral director or direct disposer responsible for that facility. A cinerator facility must transact its business under the name by which it is licensed.

(12) A cinerator facility located at the same address as a funeral establishment may not have a direct disposer as its individual in charge.

Section 74. Section 470.029, Florida Statutes, is amended to read:

470.029 Reports of cases embalmed and bodies handled.—

(1) Each funeral establishment, or direct disposal establishment, cinerator facility, and centralized embalming facility shall report on a form prescribed and furnished by the department the name of the deceased and such other information as may be required with respect to each dead human body embalmed or otherwise handled by the establishment or facility. Such forms shall be signed by the embalmer who performs the

embalming, if the body is embalmed, and the funeral director in charge of the establishment or facility or by the direct disposer who disposes of the body. The board shall prescribe by rule the procedures in submitting such documentation.

(2) Funeral directors performing disinterments shall report, on a form prescribed and furnished by the department, the name of the deceased and such other information as may be required with respect to each dead human body disinterred.

Section 75. Section 470.0295, Florida Statutes, is created to read:

470.0295 Disinterment; transportation; authorization and notification.—

(1) The disinterment and reinterment of human remains shall require the physical presence of a licensed funeral director, unless the reinterment is to be made in the same cemetery.

(2) In order to ensure that any disinterment or transportation of a dead human body is conducted in a manner that properly protects the public health, safety, and welfare, the board may adopt rules to regulate the disinterment and transportation of human remains.

(3) The funeral director shall obtain written authorization from a legally authorized person or a court of competent jurisdiction prior to the disinterment and reinterment of a dead human body.

(4) Notification must be provided to the board and department as provided in s. 470.029.

(5) The removal of human remains from a designated temporary storage area to a place of permanent burial within a cemetery shall not be considered a disinterment or reinterment.

Section 76. Effective upon this act becoming a law, section 470.0301, Florida Statutes, is amended to read:

470.0301 Removal services; refrigeration facilities; centralized embalming facilities.—

(1) In order to ensure that the removal, refrigeration, and embalming storage of all dead human bodies is conducted in a manner that properly protects the public's health and safety, the board shall adopt rules to provide for the registration of removal services, and refrigeration facilities, and centralized embalming facilities operated independently of funeral establishments and direct disposal establishments.

(1) REMOVAL SERVICES AND REFRIGERATION SERVICES.—

(a) Application for registration of a removal service or a refrigeration service shall be made on forms furnished by the department, shall be accompanied by a nonrefundable fee not to exceed \$300 as set by board rule, and shall include the name of the business owner, manager in charge, business address, and copies of occupational and other local permits.

(b) The board shall set by rule requirements for registration of removal services and refrigeration services.

(c) Registration shall be renewed biennially pursuant to procedures and upon payment of a nonrefundable fee not to exceed \$300 as set by board rule. The board may also establish by rule a renewal penalty fee not to exceed \$50. Any registration not renewed within 30 days after its renewal date shall expire without further action by the department.

(d) Each business located at a specific address shall be deemed to be a separate entity and shall require separate registration and compliance with the requirements of this chapter.

(e) Every registrant under this section shall at all times be subject to the inspection of all its buildings, grounds, and vehicles used in the conduct of its business, by the department or any of its designated representatives or agents, or local or Department of Health and Rehabilitative Services inspectors. The board shall by rule establish requirements for inspection of removal services and refrigeration services.

(f) The board shall set by rule an annual inspection fee not to exceed \$100, payable upon application for registration and upon each renewal of such registration.

(g) A change in ownership shall be promptly reported to the department and may require the relicensure of the registrant, including reinspection and payment of applicable fees.

(h) The board may deny, suspend, or revoke the registration if any person identified in the application has ever been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter. The board may deny, suspend, or revoke the registration if any person identified in the application has been convicted or found guilty of, or entered a plea of *nolo contendere* to, regardless of adjudication, a crime in any jurisdiction that directly relates to the ability to operate a removal service or refrigeration service.

(i) Each business must display at the public entrance the name of the establishment and the name of the full-time manager in charge. Each registrant must transact its business under the name by which it is registered with the department.

(j) No person may conduct, maintain, manage, or operate a removal service or refrigeration service unless registration for such service has been issued by the department.

(k) Such removal services and refrigeration services may not enter into removal or refrigeration contracts with the general public.

(2) **CENTRALIZED EMBALMING FACILITIES.**—In order to ensure that all funeral establishments have access to embalming facilities that comply with all applicable health and safety requirements, the board shall adopt rules to provide for the registration of centralized embalming facilities and—~~Such rules shall require provide, at a minimum, that the following:~~

(a) All centralized embalming facilities shall contain all of the equipment and meet all of the requirements that a preparation room located in a funeral establishment is required to meet, but such facilities shall not be required to comply with any of the other requirements for funeral establishments, as set forth in s. 470.024.

(b) Each licensed centralized embalming facility shall have at least one full-time embalmer in charge.

(c) Any person, regardless of whether such person is otherwise regulated by this chapter, may own such a facility, provided that such facility is operated in accordance with the rules established by the board.

(d) A centralized embalming facility may only provide services to funeral establishments.

(e) *The practice of embalming done at a centralized embalming facility shall only be practiced by an embalmer licensed under this chapter and shall be provided only to licensed funeral establishments.*

Section 77. Subsection (1) of section 470.034, Florida Statutes, is amended to read:

470.034 Disclosure of information to public.—If a licensee or registrant offers to provide services to the public, he shall be subject to disciplinary action as provided in this chapter if he:

(1) Fails to reasonably provide by telephone, upon request, accurate information regarding the retail prices of funeral merchandise and services offered for sale by that licensee or registrant ~~or fails to disclose in response to a general telephone inquiry about the licensee's or registrant's offerings or prices that price information is available over the telephone.~~

Section 78. Effective upon this act becoming a law, section 470.036, Florida Statutes, is amended to read:

470.036 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violation of any provision of s. 470.031 or s. 455.227(1).

(b) Attempting to procure, or procuring, a license or registration pursuant to this chapter by bribery or by fraudulent misrepresentations.

(c) Having a license or registration to practice funeral directing or embalming, or to operate a cinerator facility, ~~or a funeral establishment, removal service, or refrigeration service~~, revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another jurisdiction.

(d) Being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of embalming or funeral directing, or operation of a cinerator facility, ~~or funeral establishment, removal service, or refrigeration service~~, or the ability to practice embalming or funeral directing, or operate a cinerator facility, ~~or funeral establishment, removal service, or refrigeration service~~.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state, local, or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed funeral director, embalmer, or cinerator facility operator.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Fraud, deceit, negligence, incompetency, or misconduct, in the practice of funeral directing or embalming, funeral establishment operation, ~~or cinerator facility operation, removal service operation, or refrigeration service operation~~.

(h) A violation or repeated violation of this chapter or of chapter 455 and any rules promulgated pursuant thereto.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(j) Practicing with a revoked, suspended, ~~or inactive, or delinquent~~ license.

(k) Misrepresentation or fraud in the conduct of the business of or profession of the licensee.

(l) Making any false or misleading statement, oral or written, directly or indirectly, regarding any law or rule pertaining to the disposition of dead human bodies.

(m) Making any false or misleading statement, oral or written, directly or indirectly, regarding the sale of services or merchandise in connection with funeral directing, embalming, funeral establishment operation, ~~or cinerator facility operation, removal service operation, or refrigeration operation~~ on a preneed or at-need basis.

(n) Aiding or abetting an unlicensed person to practice any licensed activity.

(o) Violation of any state law or rule or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies.

(p) Refusing to surrender promptly the custody of a dead human body upon the express order of the legally authorized person; however, this provision shall be subject to any state laws or rules governing custody or transportation of deceased human bodies.

(q) Paying to or receiving from any organization, agency, or person, either directly or indirectly, any commission, bonus, kickback, or rebate in any form whatsoever for funeral directing services, embalming services, funeral establishment services, ~~or cinerator facility services, removal services, or refrigeration services~~, by the licensee or registrant, or his agent, assistant, or employee; however, this provision shall not prohibit the payment of commissions by a funeral director, funeral establishment, or cinerator facility to its preneed agents registered pursuant to chapter 497 or to licensees hereunder.

(r) Taking possession of a dead human body without first having obtained written or oral permission from a legally authorized person. *If oral permission is granted, the licensee must obtain written permission within a reasonable time as established by board rule.*

(s) Requiring that a casket be purchased for cremation or claiming directly or by implication that a casket is required for cremation.

(t) Embalming a deceased human body without first having obtained written or oral permission from a legally authorized person; however, washing and other public health procedures, such as closing of the orifices by placing cotton soaked in a disinfectant in such orifices until authorization to embalm is received, shall not be precluded. *If oral permission is granted, the licensee must obtain written permission within a reasonable time as established by board rule.*

(u) Misrepresenting the amount advanced on behalf of a customer for any item of service or merchandise, including, but not limited to, cemetery or crematory services, pallbearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates, described as cash advances, accommodations, or words of similar import on the contract, final bill, or other written evidence of agreement or obligation furnished to customers; however, nothing herein shall require disclosure of a discount or rebate which may accrue to a licensee subsequent to making a cash advance.

(v) Making any false or misleading statement or claim that natural decomposition or decay of human remains can be prevented or substantially delayed by embalming, use of a sealed or unsealed casket, or use of a sealed or unsealed outer burial container.

(w) Solicitation by the licensee, or his agent, employee, or assistant, through the use of fraud, undue influence, intimidation, overreaching, or other form of vexatious conduct.

(x) Having been disciplined by a regulatory agency in any jurisdiction for any offense that would constitute a violation of this chapter, chapter 245, chapter 382, chapter 406, chapter 497, or chapter 872 or that directly relates to the ability to practice under this chapter.

(2) When the board finds any licensed embalmer, embalmer intern, funeral director, funeral director intern, funeral establishment, cinerator facility, or cinerator facility operator guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Denial of an application for licensure.
- (b) *Permanent* revocation or suspension of a license.
- (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
- (d) Issuance of a reprimand.
- (e) Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.
- (f) Restriction of the authorized scope of practice.
- (g) Assessment of costs associated with investigation and prosecution.

(3) The department shall reissue ~~a~~ the suspended license of a disciplined licensee upon certification by the board that the disciplined licensee has complied with all of the terms and conditions set forth in the final order; however, revocation of a license is permanent.

Section 79. For the purpose of incorporating the amendment to section 470.025, Florida Statutes, paragraph (f) of subsection (1) of section 497.305, Florida Statutes, is reenacted to read:

497.305 Cemetery companies; authorized functions.—

(1) Within the boundaries of the cemetery lands it owns, a cemetery company may perform the following functions:

(f) The nonexclusive cremation of human remains, subject to provisions of s. 470.025.

Section 80. Paragraph (f) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.037 as a registered engineer:

(f) Any ~~certified~~ full-time faculty member teaching the principles and methods of engineering design in any college or university located in the state, as of July 1, 1979, and any such faculty member initially employed after July 1, 1979, for a period of 4 3 years from the date of employment.

Section 81. For the purpose of incorporating the amendment to section 471.003, Florida Statutes, in a reference thereto, subsection (2) of section 471.037, Florida Statutes, is reenacted and amended to read:

471.037 Effect of ss. 471.001-471.037 locally.—

(2) In counties or municipalities ~~that which~~ issue building permits, such permits ~~may shall~~ not be issued in any case in which it is apparent from the application for ~~the such~~ building permit that the provisions of ss. 471.001-471.037 have been violated. However, this subsection ~~does shall~~ not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 471.003.

Section 82. Subsections (3), (4), and (5) of section 471.015, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

471.015 Licensure.—

(3) The board shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the examination as set forth in s. 471.013, has passed a *U.S.* national, regional, state, or territorial *or foreign national* licensing examination ~~that which~~ is substantially equivalent to the examination required by s. 471.013, and has satisfied the experience requirements set forth in s. 471.013; or

(b) Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of ~~the such~~ license were substantially ~~the same as identical to~~ the licensure criteria ~~that which~~ existed in this state at the time the license was issued.

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act ~~that which~~ would constitute a violation of ss. 471.001-471.037 ~~471.001-471.039~~ or of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(5)(a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to part I of the engineering examination when such applicant:

1. Has held a valid professional engineer's registration in another state for 15 years; and

2. has had 20 years of continuous professional-level engineering experience; or

2. *Has received a doctorate degree in engineering and has taught engineering full-time for at least 3 years, at the baccalaureate level or higher, following the receipt of that degree.*

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to part I and part II of the engineering examination when such applicant:

1. has held a valid professional engineer's registration in another state for 25 years; and

2. has had 30 years of continuous professional-level engineering experience.

(6) *The board may require a personal appearance by any applicant for licensure under this chapter. Any applicant of whom a personal appearance is required must be given adequate notice of the time and place of the appearance and provided with a statement of the purpose of and reasons requiring the appearance.*

Section 83. Section 472.001, Florida Statutes, is amended to read:

472.001 Purpose.—The Legislature finds that improper ~~land~~ surveying and mapping of land, water, and space presents a significant threat to the public and therefore deems it necessary to regulate ~~land~~ surveyors and mappers as provided in ss. 472.001-472.041 ~~472.001-472.039~~.

Section 84. Section 472.003, Florida Statutes, is amended to read:

472.003 Persons not affected by ss. 472.001-472.041 ~~472.001-472.039~~.—Sections 472.001-472.041 ~~472.001-472.039~~ do not apply to:

(1) Any ~~land~~ surveyor and mapper working as a salaried employee of the United States Government when engaged in work solely for the United States Government.

(2) A registered professional engineer who takes or contracts for professional ~~land~~ surveying and mapping services incidental to his practice of engineering and who delegates such ~~land~~ surveying and mapping services to a registered professional ~~land~~ surveyor and mapper qualified within his firm or contracts for such professional ~~land~~ surveying and

mapping services to be performed by others who are registered professional ~~land~~ surveyors and mappers under the provisions of ss. 472.001-472.041 ~~472.001-472.039~~.

(3) The following persons when performing construction layout from boundary, horizontal, and vertical controls that have been established by a registered professional ~~land~~ surveyor and mapper:

(a) Contractors performing work on bridges, roads, streets, highways, or railroads, or utilities and services incidental thereto, or employees who are subordinates of such contractors provided that the employee does not hold himself out for hire or engage in such contracting except as an employee;

(b) Certified or registered contractors licensed pursuant to part I of chapter 489 or employees who are subordinates of such contractors provided that the employee does not hold himself out for hire or engage in contracting except as an employee; and

(c) Registered professional engineers licensed pursuant to chapter 471 and employees of a firm, corporation, or partnership who are the subordinates of the registered professional engineer in responsible charge.

(4) *Persons employed by county property appraisers, as defined at section 192.001(3), and persons employed by the Department of Revenue, to prepare maps for property appraisal purposes only, but only to the extent that they perform mapping services which do not include any surveying activities as described in section 472.005(4)(a) and (b).*

Section 85. Section 472.005, Florida Statutes, is amended to read:

472.005 Definitions.—As used in ss. 472.001-472.041 ~~472.001-472.039~~:

(1) "Board" means the Board of Professional ~~Land~~ Surveyors and Mappers.

(2) "Department" means the Department of *Business and Professional Regulation*.

(3) "~~Land~~ Surveyor and mapper" includes the term "professional ~~land~~ surveyor and mapper" and means a person who is registered to engage in the practice of ~~land~~ surveying and mapping under ss. 472.001-472.041 ~~472.001-472.039~~. *For the purposes of this statute, a surveyor and mapper means a person who determines and displays the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through direct measurement or from certifiable measurement through accepted photogrammetric procedures.*

(4)(a) "Practice of ~~land~~ surveying and mapping" means, among other things, any professional service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, ~~or~~ establishing, *describing, displaying, or interpreting* the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto, including acreage and condominiums.

(b) The practice of ~~land~~ surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats, as provided for in chapter 177; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

(5) The term "surveyor and mapper intern" includes the term "~~surveyor-mapper-in-training and surveyor-in-training~~" and means a person who complies with the requirements provided by ss. 472.001-472.041 ~~472.001-472.039~~ and who has passed an examination as provided by rules adopted by the board.

(6) The term "responsible charge" means direct control and personal supervision of ~~land~~ surveying and mapping work, but does not include experience as a ~~chainperson chairman, rodperson rodman, instrument-person instrumentman, ordinary draftsman draftsman, digitizer, scribe, photo lab technician, ordinary stereo plotter operator, aerial photo pilot, photo interpreter, and other positions of routine work.~~

(7) The term "license" means the registration of ~~land~~ surveyors and mappers or the certification of businesses to practice ~~land~~ surveying and mapping in this state.

(8) "*Photogrammetric mapper*" means any person who engages in the practice of surveying and mapping using aerial or terrestrial photography or other sources of images

Section 86. Section 472.007, Florida Statutes, is amended to read:

472.007 Board of Professional ~~Land~~ Surveyors and Mappers.—There is created in the Department of *Business and Professional Regulation* a Board of Professional ~~Land~~ Surveyors and Mappers. The board shall consist of ~~nine seven~~ members, ~~six five~~ of whom shall be registered ~~land~~ surveyors and mappers primarily engaged in the practice of ~~land~~ surveying and mapping, ~~one of whom shall be a registered surveyor and mapper with the designation of photogrammetric mapper, and two of whom shall be lay persons who are not and have never been land surveyors and mappers or members of any closely related profession or occupation.~~ Members shall be appointed for 4-year terms.

Section 87. Section 472.008, Florida Statutes, is amended to read:

472.008 Rules of the board.—The board shall adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter. ~~Such rules shall provide that a licensee or his employer shall demonstrate to the satisfaction of the board and the department that the licensee or employer has the financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, services pursuant to this chapter.~~

Section 88. Subsections (1) and (6) of section 472.011, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

472.011 Fees.—

(1) The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, ~~and~~ recordmaking and recordkeeping, ~~and applications for providers of continuing education.~~ The board may also establish by rule a ~~delinquency fee late renewal penalty~~. The board shall establish fees ~~that which~~ are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ss. 472.001-472.041 ~~472.001-472.037~~ and the provisions of law with respect to the regulation of ~~land~~ surveyors and mappers.

(6) The fee for a temporary registration or certificate to practice ~~land~~ surveying and mapping ~~may shall~~ not exceed \$100 for an individual or \$200 for a business firm.

(9) *The fee for applications from providers of continuing education may not exceed \$500*

Section 89. Section 472.013, Florida Statutes, is amended to read:

472.013 Examinations, prerequisites.—

(1) A person desiring to be licensed as a ~~land~~ surveyor and mapper shall apply to the department for licensure.

(2) An applicant shall be entitled to take the licensure examination to practice in this state as a ~~land~~ surveyor and mapper if the applicant is of good moral character and has satisfied one of the following requirements:

(a) The applicant is a graduate of an approved course of study in ~~land~~ surveying and mapping from a college or university recognized by the board and has a specific experience record of 4 or more years as a subordinate to a professional ~~land~~ surveyor and mapper in the active practice of ~~land~~ surveying and mapping, which experience is of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the ~~land~~ surveying and mapping work performed. The course of study in ~~land~~ surveying and mapping ~~must shall~~ have included not ~~fewer less~~ than 32 semester hours of study, or its academic equivalent, in

the science of ~~land~~ surveying and mapping or in board-approved, *surveying-and-mapping-related* ~~land survey-related~~ courses. Work experience acquired as a part of the education requirement shall not be construed as experience in responsible charge.

(b) The applicant is a graduate of a 4-year course of study, other than in ~~land~~ surveying and mapping, at an accredited college or university and has a specific experience record of 6 or more years as a subordinate to a registered ~~land~~ surveyor and mapper in the active practice of ~~land~~ surveying and mapping, 5 years of which shall be of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the ~~land~~ surveying and mapping work performed. The course of study in disciplines other than ~~land~~ surveying and mapping must ~~shall~~ have included not fewer ~~less~~ than 32 semester hours of study or its academic equivalent, 25 semester hours of which shall be in ~~land~~ surveying and mapping subjects or in any combination of courses in civil engineering, ~~land~~ surveying, mapping, mathematics, photogrammetry, forestry, or land law and the physical sciences. Work experience acquired as a part of the education requirement shall not be construed as experience in responsible charge.

(c) The applicant has successfully completed a 32-semester-hour course of study, or its academic equivalent, ~~course of study~~ in ~~land~~ surveying and mapping or in board-approved, *surveying-and-mapping-related* ~~land survey-related~~ courses at an accredited college or university and has a specific experience record of 6 or more years as a subordinate to a registered ~~land~~ surveyor and mapper, 5 years of which shall be in the active practice of ~~land~~ surveying and mapping of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the ~~land~~ surveying and mapping work performed. Work experience acquired as a part of the education requirement shall not be construed as experience in responsible charge. However, this paragraph does not apply unless such person submits satisfactory evidence to the board that he was engaged in such work on or before October 1, 1988. *This paragraph is repealed on July 1, 1999.*

(d) The applicant has successfully completed a high school education and has a specific experience record of 8 or more years as a subordinate to a ~~land~~ surveyor and mapper, 6 years of which ~~are shall be~~ in the active practice of ~~land~~ surveying and mapping of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the ~~land~~ surveying and mapping work performed. However, this paragraph does not apply unless such person submits satisfactory evidence to the board that he was engaged in such work on or before October 1, 1988. *This paragraph is repealed on July 1, 1999.*

~~(e) The applicant has successfully completed a specific experience record of not less than 10 years of active duty service in the military service of the United States with a Military Occupational Specialty classification of 82 and a minimum skill level of 40, or its current equivalent military designation, 7 years of which experience shall be in the active practice of land surveying of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of the land surveying work performed.~~

(e)(f) The applicant was enrolled, on October 1, 1988, in a 4-year course of study in ~~land~~ surveying and mapping at a college or university recognized by the board and prior to October 1, 1991, and both completes at ~~least no less than~~ 32 semester hours, or the academic equivalent, in *surveying-and-mapping-related* ~~land survey-related~~ courses and has a specific experience record of 6 or more years as a subordinate to a ~~land~~ surveyor and mapper, 5 years of which ~~are shall be~~ in the active practice of ~~land~~ surveying and mapping of a nature indicating that the applicant was in responsible charge of the accuracy and correctness of ~~land~~ surveying and mapping work performed.

(3) A person shall be entitled to take an examination for the purpose of determining whether he is qualified to practice in this state as a ~~land~~ surveyor and mapper intern if the person is in the final year, or is a graduate, of an approved ~~land~~ surveying and mapping curriculum in a school that ~~which~~ has been approved by the board.

(4) The board shall adopt rules providing for the review and approval of schools and colleges, including military schools and training and apprenticeship programs operated by the United States Government, and the courses of study in ~~land~~ surveying and mapping in such schools, colleges, and programs. The rules shall be based on the educational requirements for ~~land~~ surveying and mapping as defined in s. 472.005. The board may adopt rules providing for the acceptance of the approval and accreditation of schools and courses of study by a nationally accepted accreditation organization.

(5)(a) Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for *the* laws of this state and nation.

(b) The board may refuse to certify an applicant for failure to satisfy this requirement only if:

1. There is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a registered ~~land~~ surveyor and mapper; and

2. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

(c) When an applicant is found to be unqualified for a license because of a lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

Section 90. Section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(1) The department shall license any applicant who the board certifies is qualified to practice ~~land~~ surveying and mapping.

(2) The board shall certify for licensure any applicant who satisfies the requirements of s. 472.013 and who has passed the licensing examination. The board may refuse to certify any applicant who has violated any of the provisions of s. 472.031.

(3) The board shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the examination as set forth in s. 472.013, who has passed a national, regional, state, or territorial licensing examination that ~~which~~ is substantially equivalent to the examination required by s. 472.013, and who has satisfied the experience requirements set forth in s. 472.013; or

(b) Holds a valid license to practice ~~land~~ surveying and mapping issued by another state or territory of the United States if the criteria for issuance of ~~the such~~ license were substantially *the same as identical to* the licensure criteria that ~~which~~ existed in Florida at the time the license was issued.

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that ~~which~~ would constitute a violation of ss. 472.001-472.041 ~~472.001-472.030~~ or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

(5) A licensee or business entity that meets the requirements of this section or s. 472.021 must carry professional liability insurance or provide notice to any person or entity to which surveying and mapping services are offered that the licensee or business entity does not carry professional liability insurance. The notice must consist of a sign prominently displayed in the reception area and written statements provided in a form and frequency as required by rule of the Board of Professional Surveyors and Mappers.

(6) The department may revoke the license of a licensee or business entity that fails to pay a final judgment in connection with the provision of, or failure to provide, services under this chapter.

Section 91. Subsections (1), (2), (3), and (5) of section 472.021, Florida Statutes, are amended to read:

472.021 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice ~~land~~ surveying and mapping by registrants through a corporation or partnership offering ~~land~~ surveying and mapping services to the public, or by a corporation or partnership offering said services to the public through registrants under ss. 472.001-472.041 ~~472.001-472.030~~ as agents, employees, officers, or partners, is permitted subject to the provisions of ss. 472.001-472.041 ~~472.001-472.030~~, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act in its behalf as ~~land~~ surveyors and mappers in this state are registered as provided by ss. 472.001-472.041 ~~472.001-472.030~~, and, further, provided that the corporation or partnership has been issued a certificate of authorization by the board as

provided in this section. All final drawings, specifications, plans, reports, or other papers or documents involving the practice of ~~land~~ surveying and mapping which are prepared or approved for the use of the corporation or partnership or for delivery to any person or for public record within the state ~~must~~ *shall* be dated and *must* bear the signature and seal of the registrant who prepared or approved them. Nothing in this section shall be construed to ~~allow a corporation to hold~~ *mean that a certificate of registration to practice land surveying and mapping shall be held by a corporation*. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing ~~land surveying and mapping~~ be relieved of responsibility for professional services performed by reason of his employment or relationship with a corporation or partnership.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing under a fictitious name, offering ~~land surveying and mapping~~ services to the public; ~~except~~, however, when an individual is practicing ~~land surveying and mapping~~ in his own given name, he shall not be required to register under this section.

(3) The fact that any registered ~~land~~ surveyor and mapper practices through a corporation or partnership shall not relieve the registrant from personal liability for negligence, misconduct, or wrongful acts committed by him. Corporations and stockholders who are ~~land~~ surveyors and mappers, or partnerships, and all partners, shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, officers, or partners while acting in a professional capacity.

(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered ~~land~~ surveyor and mapper.

Section 92. Section 472.023, Florida Statutes, is amended to read:

472.023 ~~Land~~ Surveyors and mappers and firms of other states; temporary certificates to practice in this state.—

(1) Upon approval by the board and payment of a fee not to exceed \$25, the department shall grant a temporary certificate for work on one specified project in this state and for a period not to exceed 1 year to a ~~land~~ surveyor and mapper holding a certificate to practice in another state, provided that Florida registrants are similarly permitted to engage in work in such state.

(2) Upon approval by the board and payment of a fee not to exceed \$50, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).

(3) The application for a temporary license shall constitute appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with or incidental to the practice of ~~land~~ surveying and mapping for which the temporary license was issued.

Section 93. Section 472.027, Florida Statutes, is amended to read:

472.027 Minimum technical standards for ~~land~~ surveying and mapping.—The board shall adopt rules relating to the practice of ~~land~~ surveying and mapping which establish minimum technical standards to ~~ensure~~ *assure* the achievement of no less than minimum degrees of accuracy, completeness, and quality in order to assure adequate and defensible real property boundary locations and other pertinent information provided by ~~land~~ surveyors and mappers under the authority of ss. 472.001-472.041 472.001-472.039.

Section 94. Section 472.029, Florida Statutes, is amended to read:

472.029 ~~Land~~ Surveyors and mappers authorized to enter lands of third parties under certain conditions.—~~Land~~ Surveyors and mappers may go on, over, and upon the lands of others when necessary to make ~~land~~ surveys and maps, and, in so doing, ~~may~~ *may* carry with them their agents and employees necessary for that purpose. Entry under the right

hereby granted ~~does~~ *shall* not constitute trespass, and ~~land~~ surveyors and mappers and their duly authorized agents or employees so entering ~~are~~ *shall* not be liable to arrest or to a civil action by reason of such entry; however, ~~nothing in this section does not give~~ *shall be construed as giving* authority to registrants, agents, or employees to destroy, injure, damage, or move anything on lands of another without the written permission of the landowner.

Section 95. Subsection (1) of section 472.031, Florida Statutes, is amended to read:

472.031 Prohibitions; penalties.—

(1) No person shall:

(a) Practice ~~land~~ surveying and mapping unless such person is registered pursuant to ss. 472.001-472.041 472.001-472.039;

(b) Use the name or title "registered ~~land~~ surveyor and mapper" when such person has not registered pursuant to ss. 472.001-472.041 472.001-472.039;

(c) Present as his own the registration of another;

(d) ~~Knowingly~~ give false or forged evidence to the board or a member thereof ~~for the purpose of obtaining a registration~~; or

(e) Use or attempt to use a registration ~~that~~ *which* has been suspended or revoked.

Section 96. Section 472.033, Florida Statutes, is amended to read:

472.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 472.031 or s. 455.227(1);

(b) Attempting to procure a license to practice ~~land~~ surveying and mapping by bribery or fraudulent misrepresentations;

(c) Having a license to practice ~~land~~ surveying and mapping revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(d) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of ~~land~~ surveying and mapping or the ability to practice ~~land~~ surveying and mapping;

(e) Making or filing a report or record ~~that~~ *which* the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those ~~that~~ *which* are signed in the capacity of a registered ~~land~~ surveyor and mapper;

(f) Advertising goods or services in a manner ~~that~~ *which* is fraudulent, false, deceptive, or misleading in form or content;

(g) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of ~~land~~ surveying and mapping;

(h) Failing to perform any statutory or legal obligation placed upon a licensed ~~land~~ surveyor and mapper; violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department; or

(i) Practicing on a revoked, suspended, ~~or~~ inactive, or delinquent license.

(2) The board shall specify by rule the acts or omissions ~~that~~ *which* constitute a violation of subsection (1).

(3) When the board finds any ~~land~~ surveyor and mapper guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.

(d) Issuance of a reprimand.

(e) Placement of the ~~land~~ surveyor and mapper on probation for a period of time and subject to such conditions as the board may specify.

(f) Restriction of the authorized scope of practice by the ~~land~~ surveyor and mapper.

(4) The department shall reissue the license of a disciplined ~~land~~ surveyor and mapper upon certification by the board that he has complied with all of the terms and conditions set forth in the final order.

Section 97. Section 472.037, Florida Statutes, is amended to read:

472.037 Application of ss. 472.001-472.041 ~~472.001-472.039~~.—

(1) Nothing contained in ss. 472.001-472.041 ~~472.001-472.039~~ shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of registered ~~land~~ surveyors and mappers than the provisions of ss. 472.001-472.041 ~~472.001-472.039~~.

(2) In counties or municipalities ~~that which~~ issue building permits, such permits shall not be issued in any case where it is apparent from the application for such building permit that the provisions of ss. 472.001-472.041 ~~472.001-472.039~~ have been violated. However, this shall not authorize the withholding of building permits in any cases within the exempt classes set forth in ss. 472.001-472.041 ~~472.001-472.039~~.

Section 98. Section 472.039, Florida Statutes, is amended to read:

472.039 Registrations remain in force.—Registrations of land surveyors in effect on June 30, 1979, shall remain in effect under ss. 472.001-472.041 ~~472.001-472.039~~.

Section 99. Section 472.041, Florida Statutes, is created to read:

472.041 Savings clause.—Effective January 1, 1995, the following persons shall automatically be licensed as surveyors and mappers:

(1) All persons licensed as land surveyors in the state as of December 31, 1994.

(2) All persons 18 years of age or older who, by December 1, 1994, have paid a registration fee of \$350 and have submitted the following information to the department:

(a) Certified proof of age.

(b) Certified proof of graduation from high school.

(c) Proof of employment in responsible charge as a photogrammetric mapper in the state for 24 months as of November 30, 1994, such proof to consist of five topographic or planimetric maps of areas in the state, which maps were prepared by or under the supervision of the applicant using photogrammetric techniques, along with a verified, itemized report detailing methods, procedures, and amount of the applicant's personal involvement in the preparation of each map.

(d) A sworn affidavit including the following:

1. The name and address of the applicant.

2. Certification that the applicant has been in responsible charge of photogrammetric mapping in the state for at least 24 months as of November 30, 1994, which mapping meets National Map Accuracy Standards.

3. Certification that the submitted maps are of areas in the state, that they were prepared by or under the supervision of the applicant using photogrammetric techniques, and that they meet the requirements of National Map Accuracy Standards.

4. A statement that the applicant has no criminal record related to fraudulent practices or directly related to the practice of surveying and mapping.

Section 100. Subsection (4) of section 28.222, Florida Statutes, is amended to read:

28.222 Clerk to be county recorder.—

(4) Any reference in these statutes to the filing of instruments affecting title to real or personal property with the clerk of the circuit court shall mean recording of the instruments. *For the purposes of requiring the recording of instruments, any instrument relating to land surveying, including the descriptions defining land boundaries, must include a sketch that shows all information referenced in the description, which sketch must also state that the sketch is not a survey.*

Section 101. Subsections (10), (13), and (15) of section 177.031, Florida Statutes, are amended to read:

177.031 Definitions.—As used in this chapter:

(10) "~~Land~~ Surveyor and mapper" means a ~~land~~ surveyor and mapper registered under chapter 472 who is in good standing with the Board of Professional ~~Land~~ Surveyors and Mappers.

(13) "P.C.P." means permanent control point, which shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon or a 4-inch by 4-inch concrete monument a minimum of 24 inches long with the point of reference marked thereon. A "P.C.P." ~~must~~ P.C.P. ~~shall~~ bear the registration number of the surveyor and mapper filing the plat of record; however, when the surveyor and mapper of record is no longer in practice or is not available due to relocation of his practice, or when the contractual relationship between the subdivider and surveyor and mapper has been terminated, any registered ~~land~~ surveyor and mapper in good standing shall be allowed to place permanent control points (P.C.P.s) within the time allotted in s. 177.091(8).

(15) "P.R.M." means a permanent reference monument, which consists of a metal rod a minimum of 24 inches long or a 1½-inch minimum diameter metal pipe a minimum of 20 inches long, either of which shall be encased in a solid block of concrete or set in natural bedrock, a minimum of 6 inches in diameter, and extending a minimum of 18 inches below the top of the monument, or a concrete monument 4 by 4 inches, a minimum of 24 inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, shall bear the registration number of the surveyor and mapper certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.

Section 102. Section 177.061, Florida Statutes, is amended to read:

177.061 Qualification of person making survey and plat certification.—Every subdivision of lands made within the provisions of this chapter shall be made under the responsible direction and supervision of a ~~land~~ surveyor and mapper who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data complies with all of the requirements of this chapter. The certification shall bear the signature, the registration number, and the official seal of the ~~land~~ surveyor and mapper.

Section 103. Subsection (1) of section 177.071, Florida Statutes, is amended to read:

177.071 Approval of plat by governing bodies.—

(1) Before a plat is offered for recording, it ~~must~~ ~~shall~~ be approved by the appropriate governing body, and evidence of such approval shall be placed on ~~the~~ ~~such~~ plat. If not approved, the governing body ~~must~~ ~~shall~~ return the plat to the ~~land~~ surveyor and mapper. However, such examination and approval for conformity to this chapter by the appropriate governing body shall not include the verification of the survey data, except by a ~~land~~ surveyor and mapper either employed by or under contract to the local governing body for the purpose of such examination. For the purposes of this chapter:

(a) When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of ~~the~~ ~~such~~ municipality ~~has~~ ~~shall~~ ~~have~~ exclusive jurisdiction to approve ~~the~~ ~~such~~ plat.

(b) When a plat lies wholly within the unincorporated areas of a county, the governing body of ~~the~~ ~~such~~ county ~~has~~ ~~shall~~ ~~have~~ exclusive jurisdiction to approve ~~the~~ ~~such~~ plat.

(c) When a plat lies within the boundaries of more than one governing body, two plats ~~must~~ ~~shall~~ be prepared and each governing body ~~has~~ ~~shall~~ ~~have~~ exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

Section 104. Subsections (7), (8), and (13) of section 177.091, Florida Statutes, are amended to read:

177.091 Plats made for recording.—Every plat of a subdivision offered for recording shall conform to the following:

(7) Permanent reference monuments *must shall* be placed at each corner or change in direction on the boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310 feet, but *may shall* not be more than 1400 feet apart. In all cases there *must shall* be a minimum of four "P.R.M.s" placed on the boundary of the lands being platted. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set "P.R.M.," the number on the previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat, and this will be so stated in the *surveyor and mapper's surveyor's* certificate on the plat. *The Such* "P.R.M." shall be shown on the plat by an appropriate designation.

(8) "P.C.P.s" shall be set at the intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s," "P.T.s," "P.R.C.s," and "P.C.C.s," and no more than 1,000 feet apart, on tangent, between changes of direction, or along the street right-of-way or block lines at each change in direction and no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate designation. In those counties or municipalities that do not require subdivision improvements and do not accept bonds or escrow accounts to construct improvements, "P.C.P.s" may be set prior to the recording of the plat and *must shall* be set within 1 year of the date the plat was recorded and shall be referred to in the *surveyor and mapper's surveyor's* certificate. In the counties or municipalities that require subdivision improvements and have the means of insuring the construction of said improvements, such as bonding requirements, "P.C.P.s" *must shall* be set prior to the expiration of the bond or other surety. It is the *surveyor and mapper's land surveyor's* responsibility to furnish the clerk or recording officer of the county or municipality his certificate that the "P.C.P.s" have been set and the dates the "P.C.P.s" were set.

(13) The circuit court clerk's certificate and the *surveyor and mapper's land surveyor's* certificate and seal.

Section 105. Section 177.141, Florida Statutes, is amended to read:

177.141 Affidavit confirming error on a recorded plat.—In the event an appreciable error or omission in the data shown on any plat duly recorded under the provisions of this chapter is detected by subsequent examination or revealed by a retracement of the lines run during the original survey of the lands shown on such recorded plat, the *land surveyor and mapper* who was responsible for the survey and the preparation of the plat as recorded may file an affidavit confirming that such error or omission was made. However, the affidavit must state that the *surveyor and mapper* he has made a resurvey of the subject property in the recorded subdivision within the last 10 days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that in the *surveyor and mapper's* his opinion should be substituted for the erroneous data shown on the *such* plat or added to the data on the *such* plat. When such an affidavit is filed, it is the duty of the circuit court clerk to record the *such* affidavit, and he shall place in the margin of the *such* recorded plat a notation that the affidavit has been filed, the date of filing, and the book and page where it is recorded. The affidavit shall have no effect upon the validity of the plat or on the information shown thereon.

Section 106. Subsection (3) of section 177.151, Florida Statutes, is amended to read:

177.151 State plane coordinate.—

(3) No coordinates based on the Florida Coordinate System purporting to define the position of a point on a land boundary *may shall* be presented to be recorded in any public land records or deed records unless the *such* point is within one-half mile of a triangulation or traverse station established in conformity with the standards described in s. 177.031(19). However, the said one-half mile limitation may be waived when coordinates shown are certified as having been established in accordance with National Ocean Survey requirements and procedures for first-order or second-order work by a *surveyor and mapper* licensed in the state. This certification of order-of-accuracy must be included in the description of the land involved.

Section 107. Section 177.36, Florida Statutes, is amended to read:

177.36 Work to be performed only by authorized personnel.—The establishment of local tidal datums and the determination of the location of the mean high-water line or the mean low-water line *must shall* be performed by qualified personnel licensed by the Board of Professional *Land Surveyors and Mappers* or by representatives of the United States Government when approved by the department.

Section 108. Subsections (1) and (9) of section 177.503, Florida Statutes, are amended to read:

177.503 Definitions.—As used in ss. 177.501-177.510, the following words and terms shall have the meanings indicated unless the context clearly indicates a different meaning:

(1) "Professional ~~land~~ surveyor and mapper" or "~~land~~ surveyor and mapper" means a person authorized to practice ~~land~~ surveying and mapping under the provisions of chapter 472.

(9) "Certified corner record" means a document prepared by a ~~land~~ surveyor and mapper when a public land survey corner is used as control in his survey or resurvey.

Section 109. Paragraph (c) of subsection (2) of section 177.504, Florida Statutes, is amended to read:

177.504 Powers and duties of the department.—

(2) The functions, duties, and responsibilities of the department shall be:

(c) To provide for entering into agreements or contracts with agencies of the United States Government, the State of Florida, or other states, and with ~~land~~ surveyors and mappers in private practice and others, as are deemed necessary or desirable properly to plan and execute projects within the scope and purpose of this act, including the preparation of necessary cadastral documents, maps, and photogrammetric and geodetic control data. The department or its designated contracting agency, in contracting with ~~land~~ surveyors and mappers for professional services, shall give due consideration to their experience and knowledge of local conditions and the history of each particular area involved in the execution of this act.

Section 110. Subsections (1) and (3) and paragraph (d) of subsection (2) of section 177.507, Florida Statutes, are amended to read:

177.507 Certification of corners.—

(1) Every ~~land~~ surveyor and mapper not under contract to the department for the execution of this act who, in any survey or resurvey made under his direction, identifies, recovers, reestablishes, remonuments, restores, or uses as control a public land survey corner or corner accessory *must shall*, within 90 days after completion of the survey, file with the department a certified corner record for each such corner or corner accessory, unless the corner or its accessories are substantially as described in a previously filed corner record. The record shall be signed, embossed with the official seal of the *surveyor and mapper*, and produced on material suitable for reproduction or microfilming. The 90-day limitation may be extended with permission of the department. All such certified corner records shall be accepted and filed with the department without further inspection or approval of any public body or officer, if prepared in accordance with the criteria set forth in subsection (3).

(2) Each certified corner record shall contain the following minimum information:

(d) A graphic illustration of the action by the ~~land~~ surveyor and mapper showing field conditions and dimensions at, and in the vicinity of, the corner as well as descriptive language, where appropriate, listing pertinent details of the action of the ~~land~~ surveyor and mapper.

(3) In every case in which a certified corner record of a public land survey corner is filed under the provisions of this act, the *surveyor and mapper* *must shall* reconstruct or rehabilitate the monument of such corner and accessories to such corner, so as to make them as permanent as is reasonably possible and to facilitate *their* ~~easy~~ location in the future.

Section 111. Section 177.508, Florida Statutes, is amended to read:

177.508 Private practice not affected.—Nothing in this *part restricts* ~~act is to be construed as restricting or limits limiting~~ the actions or practice of ~~land~~ surveyors and mappers as provided in chapter 472.

Section 112. Section 177.509, Florida Statutes, is amended to read:

177.509 Personnel requirements.—A field supervisor who directs the field survey work required in the identification, restoration, and preservation of the public land survey corners *must* ~~shall~~ be a ~~land~~ surveyor *and mapper* and shall direct not more than three field parties in a local geographic area during any one period of time.

Section 113. Subsection (2) of section 190.033, Florida Statutes, is amended to read:

190.033 Bids required.—

(2) The provisions of the Consultants' Competitive Negotiation Act, s. 287.055, ~~shall~~ apply to contracts for engineering, architecture, landscape architecture, or registered ~~land~~ surveying *and mapping* services let by the board.

Section 114. Section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or *surveying and mapping* ~~land surveying~~ services; definitions; procedures; contingent fees prohibited; penalties.—

(1) SHORT TITLE.—This section shall be known as the "Consultants' Competitive Negotiation Act."

(2) DEFINITIONS.—For purposes of this section:

(a) "Professional services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered ~~land~~ surveying *and mapping*, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered ~~land~~ surveyor *and mapper* in connection with his professional employment or practice.

(b) "Agency" means the state, a state agency, a municipality, a political subdivision, a school district, or a school board. The term "agency" does not extend to a nongovernmental developer that contributes public facilities to a political subdivision pursuant to s. 380.06 or ss. 163.3220-163.3243.

(c) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or ~~land~~ surveying *and mapping* in the state.

(d) "Compensation" means the total amount paid by the agency for professional services.

(e) "Agency official" means any elected or appointed officeholder, employee, consultant, person in the category of other personal service or any other person receiving compensation from the state, a state agency, municipality, or political subdivision, a school district or a school board.

(f) "Project" means that fixed capital outlay study or planning activity described in the public notice of the state or a state agency pursuant to paragraph (3)(a). An agency shall prescribe by administrative rule procedures for the determination of a project under its jurisdiction. Such procedures may include:

1. Determination of a project *that which* constitutes a grouping of minor construction, rehabilitation, or renovation activities.

2. Determination of a project *that which* constitutes a grouping of substantially similar construction, rehabilitation, or renovation activities.

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which construction costs do not exceed \$500,000, for study activity when the fee for such professional service does not exceed \$25,000, or for work of a specified nature as outlined in the contract required by the agency, with no time limitation except that the contract shall provide a termination clause.

(h) A "design-build firm" means a partnership, corporation, or other legal entity which:

1. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

2. Is certified under s. 471.023 to practice or to offer to practice engineering; certified under s. 481.219 to practice or to offer to practice architecture; or certified under s. 481.319 to practice or to offer to practice landscape architecture.

(i) A "design-build contract" means a single contract with a design-build firm for the design and construction of a public construction project.

(j) A "design criteria package" means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to an agency's request for proposal, or to permit an agency to enter into a negotiated design-build contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements, as may be applicable to the project.

(k) A "design criteria professional" means a firm who holds a current certificate of registration under chapter 481 to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

(a) Each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, except in cases of valid public emergencies so certified by the agency head. The public notice shall include a general description of the project and shall indicate how interested consultants may apply for consideration.

(b) Each agency shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the agency to submit annually statements of qualifications and performance data.

(c) Any firm or individual desiring to provide professional services to the agency must first be certified by the agency as qualified pursuant to law and the regulations of the agency. The agency *must find* ~~shall make a finding~~ that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

(d) Each agency shall adopt administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and such other factors as may be determined by the agency to be applicable to its particular requirements. When securing professional services, an agency shall endeavor to meet the minority business enterprise procurement goals set forth in s. 287.042.

(e) The public shall not be excluded from the proceedings under this section.

(4) COMPETITIVE SELECTION.—

(a) For each proposed project, the agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no *fewer less* than three firms, regarding their qualifications, approach to the project, and ability to furnish the required services.

(b) The agency shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the agency shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness

to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The agency may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under subsection (5).

(c) This subsection does not apply to a professional service contract for a project the basic construction cost of which is estimated by the agency to be not in excess of the threshold amount provided in s. 287.017 for CATEGORY FIVE or for a planning or study activity when the fee for professional services is not in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO.

(d) Nothing in this act shall be construed to prohibit a continuing contract between a firm and an agency.

(5) COMPETITIVE NEGOTIATION.—

(a) The agency shall negotiate a contract with the most qualified firm for professional services at compensation which the agency determines is fair, competitive, and reasonable. In making such determination, the agency shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract over the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required ~~must shall~~ contain a provision that the original contract price and any additions thereto ~~will shall~~ be adjusted to exclude any significant sums by which the agency determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments ~~must shall~~ be made within 1 year following the end of the contract.

(b) Should the agency be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the agency determines to be fair, competitive, and reasonable, negotiations with that firm ~~must shall~~ be formally terminated. The agency shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency ~~must shall~~ terminate negotiations. The agency shall then undertake negotiations with the third most qualified firm.

(c) Should the agency be unable to negotiate a satisfactory contract with any of the selected firms, the agency shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subsection until an agreement is reached.

(6) PROHIBITION AGAINST CONTINGENT FEES.—

(a) Each contract entered into by the agency for professional services ~~must shall~~ contain a prohibition against contingent fees as follows: "The architect (or registered ~~land~~ surveyor and mapper or professional engineer, as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or registered ~~land~~ surveyor and mapper, or professional engineer, as applicable) to solicit or secure this agreement and that he has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the architect (or registered ~~land~~ surveyor and mapper or professional engineer, as applicable) any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this agreement." For the breach or violation of this provision, the agency shall have the right to terminate the agreement without liability and, at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift, or consideration.

(b) Any individual, corporation, partnership, firm, or company, other than a bona fide employee working solely for an architect, professional engineer, or registered ~~land~~ surveyor and mapper, who offers, agrees, or contracts to solicit or secure agency contracts for professional services for any other individual, company, corporation, partnership, or firm and to be paid, or is paid, any fee, commission, percentage, gift, or other consideration contingent upon, or resulting from, the award or the making of a contract for professional services shall, upon conviction in a competent court of this state, be found guilty of a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.

(c) Any architect, professional engineer, or registered ~~land~~ surveyor and mapper, or any group, association, company, corporation, firm, or partnership thereof, who offers to pay, or pays, any fee, commission, percentage, gift, or other consideration contingent upon, or resulting from, the award or making of any agency contract for professional services shall, upon conviction in a state court of competent authority, be found guilty of a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.

(d) Any agency official who offers to solicit or secure, or solicits or secures, a contract for professional services and to be paid, or is paid, any fee, commission, percentage, gift, or other consideration contingent upon the award or making of such a contract for professional services between the agency and any individual person, company, firm, partnership, or corporation shall, upon conviction by a court of competent authority, be found guilty of a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.

(7) AUTHORITY OF DEPARTMENT OF MANAGEMENT SERVICES.—Notwithstanding any other provision of this section, the Department of Management Services, Division of Building Construction, shall be the agency of state government which is solely and exclusively authorized and empowered to administer and perform the functions described in subsections (3), (4), and (5) respecting all projects for which the funds necessary to complete same are appropriated to the Department of Management Services, irrespective of whether such projects are intended for the use and benefit of the Department of Management Services or any other agency of government. However, nothing herein shall be construed to be in derogation of any authority conferred on the Department of Management Services by other express provisions of law. Additionally, any agency of government may, with the approval of the Department of Management Services, delegate to the Department of Management Services authority to administer and perform the functions described in subsections (3), (4), and (5). Under the terms of the delegation, the agency may reserve its right to accept or reject a proposed contract.

(8) STATE ASSISTANCE TO LOCAL AGENCIES.—On any professional service contract for which the fee is over \$25,000, the Department of Transportation or the Department of Management Services shall provide, upon request by a municipality, political subdivision, school board, or school district, and upon reimbursement of the costs involved, assistance in selecting consultants and in negotiating consultant contracts.

(9) APPLICABILITY TO EXISTING CONTRACTS.—Nothing in this section shall affect the validity or effect of any contracts in existence on July 1, 1973.

(10) APPLICABILITY TO DESIGN-BUILD CONTRACTS.—

(a) Except as provided in this subsection, this section is not applicable to the procurement of design-build contracts by any agency, and any such agency shall award design-build contracts in accordance with the procurement laws, rules, and ordinances applicable to the agency.

(b) The design criteria package shall be prepared and sealed by a design criteria professional employed by or retained by the agency. If the agency elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional shall be selected and contracted with in accordance with the requirements of subsections (4) and (5). A design criteria professional who has been selected to prepare the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the design criteria package.

(c) Each agency ~~must shall~~ adopt rules or ordinances for the award of design-build contracts. For municipalities, political subdivisions, school districts, and school boards, such procedures ~~must shall~~ include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.

2. The qualification and selection of no fewer than three design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.

3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.

5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the agency of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

6. In the case of public emergencies, for the agency head to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

(11) REUSE OF EXISTING PLANS.—Notwithstanding any other provision of this section, there shall be no public notice requirement or utilization of the selection process as provided in this section for projects in which the agency is able to reuse existing plans from a prior project. ~~However, subsequent to July 1, 1975, Public notice for any plans that~~ which are intended to be reused at some future time ~~must~~ shall contain a statement ~~that~~ which provides that the plans are subject to reuse in accordance with the provisions of this subsection.

(12) CONSTRUCTION OF LAW.—Nothing in the amendment of this section by chapter 75-281, Laws of Florida, is intended to supersede the provisions of ss. 235.211 and 235.31.

Section 115. Subsection (1) of section 403.0877, Florida Statutes, is amended to read:

403.0877 Certification by professionals regulated by the Department of Business and Professional Regulation.—

(1) Nothing in this section shall be construed as specific authority for a water management district or the department to require certification by a professional engineer licensed under chapter 471, a professional landscape architect licensed under part II of chapter 481, a professional geologist licensed under chapter 492, or a professional ~~land~~ surveyor and mapper licensed under chapter 472, for an activity that is not within the definition or scope of practice of the regulated profession.

Section 116. Subsections (1) and (4) of section 403.932, Florida Statutes, are amended to read:

403.932 Exceptions and authorized alterations of mangroves.—The provisions of this act do not apply to:

(1) The alteration of mangrove trees by a duly constituted communication, water, sewerage, electrical, or other utility company or a federal, state, county, or municipal agency, or engineers or surveyors and mappers working under a contract with such utility company or agency, when such alteration is done as a governmental function of such agency.

(4) The alteration of a mangrove tree by a state-licensed ~~land~~ surveyor and mapper in the performance of his duties provided such alteration is to individual trees. The alteration of mangrove trees by a surveyor and mapper, which alteration requires trimming a swath greater than 3 feet in width, requires approval by the department prior to such alteration.

Section 117. Subsection (26) of section 440.02, Florida Statutes, is amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(26) "Construction design professional" means an architect, professional engineer, landscape architect, or ~~land~~ surveyor and mapper, or any corporation, professional or general, that has a certificate to practice in the construction design field from the Florida Department of Business and Professional Regulation.

Section 118. Paragraph (h) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice, exemptions.—

(2) The following persons are not required to register under the provisions of ss. 471.001-471.037 as a registered engineer:

(h) A registered ~~land~~ surveyor and mapper who takes, or contracts for, professional engineering services incidental to his practice of ~~land~~ surveying and mapping and who delegates such engineering services to a registered professional engineer qualified within his firm or contracts for such professional engineering services to be performed by others who are registered professional engineers under the provisions of ss. 471.001-471.037.

Section 119. Subsection (13) of section 481.219, Florida Statutes, is amended to read:

481.219 Certification of partnerships and corporations.—

(13) Nothing in this section shall be construed to mean that a certificate of registration to practice architecture or use the title "interior designer" shall be held by a corporation or partnership. Nothing in this section prohibits corporations and partnerships from joining together to offer architectural, engineering, interior design, ~~land~~ surveying and mapping, and landscape architectural services, or any combination of such services, to the public, provided that each corporation or partnership otherwise meets the requirements of law.

Section 120. Subsection (14) of section 713.01, Florida Statutes, is amended to read:

713.01 Definitions.—As used in this part, the term:

(14) "Laborer" means any person other than an architect, landscape architect, engineer, ~~land~~ surveyor and mapper, and the like who, under properly authorized contract, personally performs on the site of the improvement labor or services for improving real property and does not furnish materials or labor service of others.

Section 121. Subsections (1) and (2) of section 713.03, Florida Statutes, are amended to read:

713.03 Liens for professional services.—

(1) Any person who performs services as architect, landscape architect, interior designer, engineer, or ~~land~~ surveyor and mapper, subject to compliance with and the limitations imposed by this part, has a lien on the real property improved for any money that is owing to him for his services used in connection with improving the real property or for his services in supervising any portion of the work of improving the real property, rendered in accordance with his contract and with the direct contract.

(2) Any architect, landscape architect, interior designer, engineer, or ~~land~~ surveyor and mapper who has a direct contract and who in the practice of his profession shall perform services, by himself or others, in connection with a specific parcel of real property and subject to said compliances and limitations, shall have a lien upon such real property for the money owing to him for his professional services, regardless of whether such real property is actually improved.

Section 122. Paragraph (e) of subsection (4) of section 718.104, Florida Statutes, is amended to read:

718.104 Creation of condominiums; contents of declaration.—Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

(e) A survey of the land which meets the minimum technical standards set forth by the Board of Professional ~~Land~~ Surveyors and Mappers, pursuant to s. 472.027, and a graphic description of the improvements in which units are located and a plot plan thereof that, together with the declaration, are in sufficient detail to identify the common elements and each unit and their relative locations and approximate dimensions. Failure of the survey to meet minimum technical standards shall not invalidate an otherwise validly created condominium. The survey, graphic description, and plot plan may be in the form of exhibits consisting of building plans, floor plans, maps, surveys, or sketches. If the construction of the condominium is not substantially completed, there shall be a statement to that effect, and, upon substantial completion of construction, the developer or the association shall amend the declaration to include the certificate described below. The amendment may be accomplished by referring to the recording data of a survey of the condominium that complies with the certificate. A certificate of a surveyor and mapper authorized to practice in this state shall be included in or attached to the declaration or the survey or graphic description as recorded under s. 718.105

that the construction of the improvements is substantially complete so that the material, together with the provisions of the declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements and so that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials. Completed units within each substantially completed building in a condominium development may be conveyed to purchasers, notwithstanding that other buildings in the condominium are not substantially completed, provided that all planned improvements, including, but not limited to, landscaping, utility services and access to the unit, and common-element facilities serving such building, as set forth in the declaration, are first completed and the declaration of condominium is first recorded and provided that as to the units being conveyed there is a certificate of a surveyor and mapper as required above, including certification that all planned improvements, including, but not limited to, landscaping, utility services and access to the unit, and common-element facilities serving the building in which the units to be conveyed are located have been substantially completed, and such certificate is recorded with the original declaration or as an amendment to such declaration. This section shall not, however, operate to require development of improvements and amenities declared to be included in future phases pursuant to s. 718.403 prior to conveying a unit as provided herein. For the purposes of this section, a "certificate of a surveyor and mapper" means certification by a surveyor and mapper in the form provided herein and may include, along with certification by a surveyor and mapper, when appropriate, certification by an architect or engineer authorized to practice in this state. Notwithstanding the requirements of substantial completion provided in this section, nothing contained herein shall prohibit or impair the validity of a mortgage encumbering units together with an undivided interest in the common elements as described in a declaration of condominium recorded prior to the recording of a certificate of a surveyor and mapper as provided herein.

Section 123. Subsection (5) of section 810.12, Florida Statutes, is amended to read:

810.12 Unauthorized entry on land; prima facie evidence of trespass.—

(5) However, this section shall not apply to any official or employee of the state or a county, municipality, or other governmental agency now authorized by law to enter upon lands or to registered engineers and surveyors and mappers authorized to enter lands pursuant to ss. 471.027 and 472.029 s. 473.14. The provisions of this section shall not apply to the trimming or cutting of trees or timber by municipal or private public utilities, or their employees, contractors, or subcontractors, when such trimming is required for the establishment or maintenance of the service furnished by any such utility.

Section 124. Effective upon this act becoming a law, section 473.302, Florida Statutes, is amended to read:

473.302 Definitions.—As used in this chapter act, the term:

- (1) "Board" means the Board of Accountancy.
- (2) "Department" means the Department of Business and Professional Regulation.
- (3) "Division" means the Division of Certified Public Accounting.
- (4) "Certified public accountant" means a person who holds a license to practice public accounting in this state under the authority of this chapter act.
- (5) "Practice of," "practicing public accountancy," or "public accounting" means:

(a) Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, the expression of an opinion on the reliability of an assertion by one party for the use by a third party, or the preparation of financial statements use of accounting skills, or one or more types of management advisory or consulting services, by a certified public accountant, a or firm of certified public accountants, or a firm in which a certified public accountant has an ownership interest of this state, including the performance of such services in the employ of another person; or

(b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of management advisory or consulting services, by any other person holding himself or itself out as a certified public accountant or a firm of certified public accountants, including the performance of such services by a certified public accountant in the employ of a person so holding himself or itself out.

However, these terms shall not include services provided by the American Institute of Certified Public Accountants or the Florida Institute of Certified Public Accountants, or any full service association of certified public accounting firms whose plans of administration have been approved by the board, to their members or services performed by these entities in reviewing the services provided to the public by members of these entities.

(6) "Holding out" means advertising, as a part of a licensee's business activities, that the licensee is a certified public accountant when providing, or offering to provide, services or products to the public which involve the use of accounting skills or one or more types of management advisory or consulting services.

Section 125. Effective upon this act becoming a law, subsection (5) is added to section 473.306, Florida Statutes, to read:

473.306 Examinations.—

(5) The board may adopt an alternative licensure examination for Canadian chartered accountants who have completed the Canadian chartered accountant licensure examination and hold a chartered accountant license from a Canadian province.

Section 126. Effective upon this act becoming a law, subsection (4) of section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(4) If application for licensure is made prior to August 1, 2000 1993, and the applicant has 5 years of experience in the practice of public accountancy, either in the United States or as a licensed chartered accountant in Canada, the board shall waive the those requirements of s. 473.306(2)(b)2. that which are in excess of a baccalaureate degree. All experience that which is used as a basis for waiving said requirements of s. 473.306(2)(b)2. must be experience outside this state. Furthermore, said experience must be after licensure as a certified public accountant by another state or territory of the United States. The board shall have the authority to establish the standards for experience that which meet this requirement.

Section 127. Section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

- (1) "Animal" means any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.
- (2) "Board" means the Board of Veterinary Medicine.
- (3) "Client" means the owner or caretaker of an animal who arranges for its veterinary care.
- (4) "Department" means the Department of Business and Professional Regulation.
- (5) "Immediate supervision" or words of similar purport mean a licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided.
- (6) "Limited-service veterinary medical practice" means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.

(7)(6) "Mobile veterinary establishment" and "mobile clinic" mean a mobile unit which contains the same treatment facilities as are required of a permanent veterinary establishment or which has entered into a written agreement with another veterinary establishment to provide any required facilities not available in the mobile unit. The terms do not refer to the use of a car, truck, or other motor vehicle by a veterinarian making a house call.

(8)(7) "Patient" means any animal for which the veterinarian practices veterinary medicine.

(9)(8) "Practice of veterinary medicine" means diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

(10)(9) "Responsible supervision" or words of similar purport mean the control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services which he delegates to unlicensed personnel.

(11)(10) "Veterinarian" means a person who is licensed to engage in the practice of veterinary medicine in Florida under the authority of this chapter.

(12)(11) "Veterinarian/client/patient relationship" means a relationship where the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and its need for medical treatment.

(13)(12) "Veterinary medicine" includes, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine.

Section 128. Section 474.2065, Florida Statutes, is amended to read:

474.2065 Fees.—The board, by rule, shall establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license reactivation, periodic inspection of veterinary establishments, and duplicate copies of licenses, certificates, and permits. The fee for the initial application and examination ~~may~~ shall not exceed \$650 ~~\$325~~ plus the actual per applicant cost to the department for purchase of portions of the examination from the Professional Examination Service for the American Veterinary Medical Association or a similar national organization. ~~The fee for reactivation of an inactive license and the fee for renewal of an inactive license shall not exceed \$50.~~ The fee for licensure by endorsement ~~may~~ shall not exceed \$500. The fee for temporary licensure ~~may~~ shall not exceed \$200. The board shall establish fees ~~that~~ which are adequate to ensure its continued operation and to fund the proportionate expenses incurred by the department which are allocated to the regulation of veterinarians. Fees shall be based on departmental estimates of the revenue required to administer this chapter and the provisions relating to the regulation of veterinarians.

Section 129. Paragraph (b) of subsection (2) and subsection (5) of section 474.207, Florida Statutes, are amended to read:

474.207 Licensure by examination.—

(2) The department shall license each applicant who the board certifies has:

(b)1. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or

2. Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates, ~~which certificate is based on having successfully completed a clinical proficiency examination.~~

The department shall not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

(5) An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure ~~is~~ shall be permitted, while awaiting the results of such examination for licensure ~~or while awaiting issuance of the license,~~ to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the exam-

ination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until he passes the examination and is eligible for licensure.

Section 130. Subsection (1) of section 474.2125, Florida Statutes, is amended to read:

474.2125 Temporary license.—

(1) The board shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling him to provide veterinary medical services *in this state for the animals of a specific animal owner or, as may be needed in an emergency as defined in s. 252.34(2), for the animals of multiple owners, in this state,* provided the ~~such~~ applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 ~~90~~ days after its issuance, and no license shall cover more than the treatment of the animals of one owner *except in an emergency as defined in s. 252.34(2).* After the expiration of 30 ~~90~~ days, a new license ~~is~~ shall be required.

Section 131. Subsection (1) of section 474.213, Florida Statutes, is amended to read:

474.213 Prohibitions; penalties.—

(1) No person shall:

(a) Lead the public to believe that such person is licensed as a veterinarian, or is engaged in the licensed practice of veterinary medicine, without such person holding a valid, active license pursuant to this chapter;

(b) Use the name or title "veterinarian" when the person has not been licensed pursuant to this chapter;

(c) Present as his own the license of another;

(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;

(e) Use or attempt to use a veterinarian's license which has been suspended or revoked;

(f) Knowingly employ unlicensed persons in the practice of veterinary medicine;

(g) Knowingly conceal information relative to violations of this chapter;

(h) Obtain or attempt to obtain a license to practice veterinary medicine by fraudulent representation;

(i) Practice veterinary medicine in this state, unless the person holds a valid, active license to practice veterinary medicine pursuant to this chapter; ~~or~~

(j) Sell or offer to sell a diploma conferring a degree from a veterinary school or college, or a license issued pursuant to this chapter, or procure such diploma or license with the intent that it shall be used as evidence of that which the document stands for by a person other than the one upon whom it was conferred or to whom it was granted; or

(k) *Knowingly operate a veterinary establishment or premises without having a premise permit issued under s. 474.215.*

Section 132. Paragraphs (g) and (t) of subsection (1) of section 474.214, Florida Statutes, are amended, and paragraph (pp) is added to said subsection, to read:

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(g) Practicing with a revoked, suspended, ~~or~~ inactive, *or delinquent* license.

(t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal disease or transporting animals or issuing any false certificate relating to the sale of ~~inedible~~ products of animal origin for human consumption.

(pp) *Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested.*

Section 133. Subsection (7) is added to section 474.215, Florida Statutes, to read:

474.215 Premises permits.—

(7) *The board by rule shall establish minimum standards for the operation of limited-service veterinary medical practices. Such rules shall not restrict limited-service veterinary medical practices and shall be consistent with the type of limited veterinary medical service provided.*

(a) *Any person that offers or provides limited-service veterinary medical practice shall obtain a biennial permit from the board the cost of which shall not exceed \$250.*

(b) *All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.*

Section 134. Paragraphs (i), (j), (k), (l), (m), and (n) are added to subsection (1) of section 475.01, Florida Statutes, to read:

475.01 Definitions.—

(1) As used in this part:

(i) *"Fiduciary" means a broker in a relationship of trust and confidence between that broker as agent and the seller or buyer as principal. The duties of the broker as a fiduciary are loyalty, confidentiality, obedience, full disclosure, and accounting and the duty to use skill, care, and diligence.*

(j) *"Disclosed dual agent" means a broker who works as an agent for both the buyer and seller. The broker must obtain the informed consent in writing of all parties to the transaction to be a disclosed dual agent. The disclosed dual agent has all the duties of a fiduciary except full disclosure between the buyer and seller.*

(k) *"Transaction broker" means a broker who facilitates a brokerage transaction between a buyer and a seller. The transaction broker does not affirmatively represent either the buyer or seller as an agent, and no fiduciary duties exist except for the duty of accounting and the duty to use skill, care, and diligence. However, the transaction broker shall treat the buyer and seller with honesty and fairness and shall disclose all known facts materially affecting the value of the property in residential transactions to both the buyer and seller. The broker's role as a transaction broker must be fully disclosed in writing to the buyer and seller.*

(l) *"Single agent" means a broker who represents, as a fiduciary, either the buyer or seller but not both in the same transaction.*

(m) *"Buyer" means a transferee or lessee in a real property transaction and includes a person who executes an offer to purchase or lease real property from a seller.*

(n) *"Seller" means the transferor or lessor in a real property transaction and includes an owner who lists real property for sale or lease with a broker, whether or not a purchase agreement or lease results, or who receives an offer to purchase or lease real property.*

Section 135. Subsection (11) is added to section 475.011, Florida Statutes, to read:

475.011 Exemptions.—This part does not apply to:

(11) *Any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, rents or advertises for rent, for transient occupancy, any public lodging establishment licensed under chapter 509.*

Section 136. Section 475.15, Florida Statutes, is amended to read:

475.15 Registration and licensing of general partners, members, officers, and directors of a firm.—Each partnership or corporation which acts as a broker shall register with the commission and shall renew the licenses or registrations of its members, officers, and directors for each license period. The registration of a partnership is canceled automatically during any period of time that the license or registration of any one or more of its partners is not in force. However, if the partnership is a limited partnership, only the general partners must be licensed brokers or brokerage corporations registered pursuant to this part chapter. If the license or registration of at least one active broker member is not in force, the registration of a corporation or partnership is canceled automatically during that period of time.

Section 137. Subsections (2), (6), and (7) of section 475.17, Florida Statutes, are amended to read:

475.17 Qualifications for practice.—

(2)(a) In addition to other requirements under this part chapter, the commission may require the satisfactory completion of one or more of the educational courses or equivalent courses conducted, offered, sponsored, prescribed, or approved pursuant to s. 475.04, taken at an accredited college, university, or community college, at an area vocational-technical center, or at a registered real estate school, as a condition precedent for any person to become licensed or to renew his license as a broker, broker-salesperson, or salesperson. The course or courses required for one to become initially licensed shall not exceed a total of 63 classroom hours of 50 minutes each, inclusive of examination, for a salesperson and 72 classroom hours of 50 minutes each, inclusive of examination, for a broker. The satisfactory completion of an examination administered by the accredited college, university, or community college, by the area vocational-technical center, or by the registered real estate school shall be the basis for determining satisfactory completion of the course. However, notice of satisfactory completion shall not be issued if the student has absences in excess of 8 classroom hours. Such required course or courses must be made available by correspondence or other suitable means to any person who, by reason of hardship, as defined by rule, cannot attend the place or places where the course is regularly conducted.

(b) A person may not be licensed as a real estate broker unless, in addition to the other requirements of law, he has held:

1. An active real estate salesperson's license for at least 12 months during the preceding 5 years in the office of one or more real estate brokers licensed in this state or any other state, territory, or jurisdiction of the United States or in any foreign national jurisdiction pursuant to this chapter; or

2. A current and valid real estate salesperson's license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in this part chapter for real estate licensees; or

3. A current and valid real estate broker's license for at least 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States or in any foreign national jurisdiction.

(6) The postlicensure education requirements of this section, and the education course requirements for one to become initially licensed, do not apply to any applicant or licensee who has received a 4-year degree in real estate from an accredited institution of higher education located in this state, provided initial licensure is within 5 years of receiving said degree.

~~(7)(a) If an applicant is not a resident of this state, he shall file an irrevocable consent that suits and actions may be commenced against him in any county of this state in which a plaintiff having a cause of action, or suit against him resides, and that service of any process or pleading in suits or actions against him may be made by delivering the same to the director of the Division of Real Estate and mailing a copy thereof to the applicant by registered mail addressed to him at his designated principal place of business. Service, when so made, must be taken and held in all courts to be as valid and binding upon the applicant as if made upon him in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged before a notary public.~~

~~(b) Any resident licensee who becomes a nonresident shall, within 60 days, notify the commission of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law subject to the penalties of s. 475.25.~~

~~(c) All nonresident applicants and licensees shall comply with all requirements of commission rules and of this chapter. The commission may adopt rules necessary for the regulation of nonresident licensees.~~

Section 138. Section 475.180, Florida Statutes, is created to read:

475.180 Nonresident licensees.—

(1) Notwithstanding the precursors requirements set forth under ss. 475.17(2) and (6) and 475.175, the commission in its discretion may enter into written agreements with similar licensing authorities of other states, territories, or jurisdictions of the United States or foreign national jurisdictions to ensure for Florida licensees nonresident licensure opportuni-

ties comparable to those afforded to nonresidents by this section. Whenever the commission determines that another jurisdiction does not offer nonresident licensure to Florida licensees substantially comparable to those afforded to licensees of that jurisdiction by this section, the commission shall require licensees of that jurisdiction who apply for nonresident licensure to meet education, experience, and examination requirements substantially comparable to those required by that jurisdiction with respect to Florida licensees who seek nonresident licensure, not to exceed such requirements as prescribed in ss. 475.17(2) and (6) and 475.175.

(2)(a) Any applicant who is not a resident of this state shall file an irrevocable consent that suits and actions may be commenced against him in any county of this state in which a plaintiff having a cause of action or suit against him resides, and that service of any process or pleading in suits or actions against him may be made by delivering the process or pleading to the director of the Division of Real Estate by certified mail, return receipt requested, and also to the licensee by registered mail addressed to him at his designated principal place of business. Service, when so made, must be taken and held in all courts to be as valid and binding upon the licensee as if made upon him in this state within the jurisdiction of the court in which the suit or action is filed. The irrevocable consent must be in a form prescribed by the department and be acknowledged by a notary public.

(b) Any resident licensee who becomes a nonresident shall, within 60 days, notify the commission of the change in residency and comply with nonresident requirements. Failure to notify and comply is a violation of the license law, subject to the penalties in s. 475.25.

(c) All nonresident applicants and licensees shall comply with all requirements of commission rules and this part. The commission may adopt rules necessary for the regulation of nonresident licensees.

Section 139. Section 475.181, Florida Statutes, is amended to read:

475.181 Licensure.—

(1) The department shall license any applicant whom the commission certifies to be qualified to practice as a broker or salesperson.

(2) The commission shall certify for licensure any applicant who satisfies the requirements of ss. 475.17, and 475.175, and 475.180. The commission may refuse to certify any applicant who has violated any of the provisions of s. 475.42 or who is subject to discipline under s. 475.25. The application shall expire 1 year from the date received if the applicant fails to take the appropriate examination.

(3) The department may not issue a license to any applicant who is under investigation in any other another state, or territory, or jurisdiction of the United States or any foreign national jurisdiction for any act that which would constitute a violation of this part chapter or chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 140. Subsection (1) of section 475.182, Florida Statutes, is amended to read:

475.182 Renewal of license; continuing education.—

(1) The department shall renew a license upon receipt of the renewal application and fee. The renewal application for an active license as broker, broker-salesperson, or salesperson shall include proof satisfactory to the commission that the licensee has, since the issuance or renewal of his current license, satisfactorily completed at least 14 classroom hours of 50 minutes each of a continuing education course during each biennium, as prescribed by the commission. The commission may accept as a substitute for such continuing education course, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section. However, the commission may not require, for the purpose of satisfactorily completing an approved correspondence course, a written examination that is to be taken at a centralized location and is to be monitored.

Section 141. Paragraphs (f), (n), and (q) of subsection (1) of section 475.25, Florida Statutes, are amended, and paragraph (s) is added to said subsection, to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(f) Has been convicted or found guilty of, or entered a plea of *nolo contendere* to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of a licensed broker or salesperson, or involves moral turpitude or fraudulent or dishonest dealing. ~~Any plea of nolo contendere shall be considered a conviction for purposes of this paragraph.~~ The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(n) Is confined in any county jail, post-adjudication; ~~or~~ is confined in any state or federal prison or mental institution; ~~is under home confinement ordered in lieu of institutional confinement;~~ or, through mental disease or deterioration, can no longer safely be entrusted to competently deal with the public ~~or in a confidential capacity.~~

(q)1. Has failed in a single agency to give written notice to all parties ~~a party~~ to a sale, exchange, purchase, or lease of real property or any interest in real property, revealing the party or parties for whom the licensee is an agent before such party has signed any contractual offer or lease agreement related to the transaction, that he is an agent, employee, independent contractor, or representative of another party in the negotiation of such sale, exchange, purchase, or lease. Disclosure to the party for whom the licensee is an agent must be made at or before the time an agreement for representation is entered into. Disclosure to the party for whom the licensee is not an agent must be made at the time of the first substantive contact.

2. Has failed in a dual agency to obtain the informed written consent of all parties to a sale, exchange, purchase, or lease of real property or any interest in real property that the licensee intends to operate as a disclosed dual agent. Unless all parties to the transaction grant their written informed consent prior to or at the time of formalization of the dual agency by the licensee, the licensee shall be deemed to be an undisclosed dual agent. The licensee must inform all parties that the licensee is acting as agent for all parties and of the effect of dual agency, including, but not limited to, the fact that, by consenting to the dual agency relationship, the parties are giving up their rights to the undivided loyalty of the licensee, as required by the rules of the commission. When single agency exists, the licensee may change to a disclosed dual agent by making full written disclosure to and obtaining the informed written consent of all the parties. A disclosed dual agent may not disclose among other items:

a To the buyer that the seller will accept a price less than the asking or listed price, unless otherwise instructed in writing by the seller,

b. To the seller that the buyer will pay a price greater than the price submitted in a written offer to the seller, unless otherwise instructed in writing by the buyer;

c. The motivation of any party for selling, buying, or leasing a property, unless otherwise instructed in writing by the respective party; or

d. That a seller or buyer will agree to financing terms other than those offered.

3. Has failed in a transaction brokerage capacity to give written notice to all parties to a sale, exchange, purchase, or lease of real property or an interest in real property prior to or at the time of the licensee becoming a transaction broker or first substantive contact, whichever occurs first, of the licensee's role as a transaction broker. Unless the buyer and seller are given written notice prior to the licensee's acting in a transaction brokerage capacity, the licensee is deemed to be an agent of either the buyer or seller, or both. The licensee shall treat the buyer and seller honestly and fairly and shall disclose all known facts materially affecting the value of the property in residential transactions to both the buyer and seller.

The commission shall implement this paragraph provision by rule. For purposes of this paragraph, the Commission shall also define by rule

forms for agency disclosure. The forms provided for in this rule shall be written in plain language and shall provide to the buyer or seller or both, as appropriate, an explanation of the agency relationships and shall offer the buyer or seller or both the explicit right to choose or refuse among these agency relationships.

(s) Has had a registration suspended, revoked, or otherwise acted against in any jurisdiction. The record of the disciplinary action certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such disciplinary action.

Section 142. Section 475.255, Florida Statutes, is created to read:

475.255 Determination of agency or transactional brokerage relationship.—Without consideration of the related facts and circumstances, the mere payment or promise to pay compensation to a licensee does not determine whether an agency or transactional brokerage relationship exists between the licensee and a seller, landlord, buyer, or tenant.

Section 143. Section 475.455, Florida Statutes, is amended to read:

475.455 Exchange of disciplinary information.—

(4) The commission shall inform the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation of any disciplinary action the commission has taken against any of its licensees. The division shall inform the commission of any disciplinary action the division has taken against any broker or salesperson registered with the division.

~~(2) If the commission finds that another state agency has suspended or revoked the license or registration of, or imposed a penalty against, a licensee, it shall issue a notice to the licensee to show cause why the commission should take no action, which notice shall provide for a hearing in accordance with chapter 120, upon request.~~

Section 144. Subsections (1) and (2) of section 475.482, Florida Statutes, are amended to read:

475.482 Real Estate Recovery Fund.—There is created the Florida Real Estate Recovery Fund as a separate account in the Professional Regulation Trust Fund.

(1) The Florida Real Estate Recovery Fund shall be disbursed as provided in s. 475.484, on order of the commission, as reimbursement to any person, partnership, or corporation adjudged by a court of competent civil jurisdiction in this state to have suffered monetary damages by reason of any act of the following acts committed, as a part of any real estate brokerage transaction involving real property in this state, by any broker or salesperson who:

(a) Was, at the time the alleged act was committed, the holder of a current, valid, active real estate license issued under this part;

(b) Was neither the seller, buyer, landlord, or tenant in the transaction nor an officer or a director of a corporation or a member of a partnership which was the seller, buyer, landlord, or tenant in the transaction; and

(c) Was acting solely in the capacity of a real estate licensee in the transaction;

~~provided the act was a violation proscribed in s. 475.25 or s. 475.42. was licensed under the provisions of this chapter at the time the alleged act was committed:~~

~~(a) Any violation of the provisions of this chapter; or~~

~~(b) Obtaining money or property by fraud, misrepresentation, deceit, false pretenses, artifice, or trickery or by any other act which would constitute a violation proscribed in s. 475.25.~~

(2) The Real Estate Recovery Fund shall also be disbursed as provided in s. 475.484, on order of the commission, as reimbursement to any broker or salesperson who is required by a court of competent civil jurisdiction to pay monetary money damages due to a distribution of escrow moneys which is made in compliance with an escrow disbursement order issued by the commission. However, in no case shall the fund be disbursed when the broker or salesperson fails to notify the commission and to diligently defend an action wherein the broker or salesperson may be is required by a court of competent civil jurisdiction to pay monetary money damages due to a distribution of escrow moneys which is made in compliance with an escrow disbursement order issued by the commission.

Section 145. Subsections (1) and (2) of section 475.483, Florida Statutes, are amended to read:

475.483 Conditions for recovery; eligibility.—

(1) Any person is eligible to seek recovery from the Real Estate Recovery Fund if:

(a) Such person has received a final judgment in a court of competent civil jurisdiction in this state against an individual broker or salesperson in any action wherein the cause of action was based on a real estate brokerage transaction. ~~or any violation proscribed in s. 475.25; however,~~ If such person is unable to secure a final judgment against a licensee due to the death of the licensee, the commission may waive the requirement for a final judgment. ~~The filing of a bankruptcy petition by a broker or salesperson does not relieve a claimant from the obligation to obtain a final judgment against the licensee. In this instance, the claimant must seek to have assets involving the real estate transaction that gave rise to the claim removed from the bankruptcy proceedings so that the matter might be heard in a court of competent civil jurisdiction in this state. If, after due diligence, the claimant is precluded by action of the bankruptcy court from securing a final judgment against the licensee, the commission may waive the requirement for a final judgment.~~

(b) At the time the action was commenced, such person gave notice thereof to the commission by certified mail; except that, if no notice has been given to the commission, the claim can still be honored if, in the opinion of the commission, the claim is otherwise valid;

(c) A claim for recovery is made within 2 years from the time of the act giving rise to the claim or within 2 years from the time the act is discovered or should have been discovered with the exercise of due diligence; ~~however,~~ In no event may a claim for recovery be made more than 4 years after the date of the act giving rise to the claim;

(d)1. Such person has caused to be issued a writ of execution upon such judgment, and the officer executing the writ has made a return showing that no personal or real property of the judgment debtor liable to be levied upon in satisfaction of the judgment can be found or that the amount realized on the sale of the judgment debtor's property pursuant to such execution was insufficient to satisfy the judgment; or

2. If such person is unable to comply with subparagraph 1. for a valid reason to be determined by the commission, such person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets subject to being sold or applied in satisfaction of the judgment and by his search he has discovered no property or assets or he has discovered property and assets and has taken all necessary action and proceedings for the application thereof to the judgment but the amount thereby realized was insufficient to satisfy the judgment;

(e) Any amounts recovered by such person from the judgment debtor, or from any other source, have been applied to the damages awarded by the court; ~~and~~

(f) Such person is not a person who is precluded by this act from making a claim for recovery.

(2) A person is not qualified to make a claim for recovery from the Real Estate Recovery Fund, if:

(a) Such person He is the spouse of the judgment debtor or a personal representative of such spouse;

(b) Such person He is a licensed broker or salesperson who acted as the agent in the transaction that which is the subject of the claim;

(c) Such person's claim is based upon a real estate transaction in which the licensed broker or salesperson was the owner of or controlled the property involved in the transaction; in which the licensee was dealing for the licensee's own account; or in which the licensee was not acting as a broker or salesperson acting with respect to the property owned or controlled by the broker or salesperson; or

(d) Such person's claim is based upon a real estate transaction in which the broker or salesperson did not hold a valid, ~~and~~ current, ~~and~~ active license at the time of the real estate transaction; or;

(e) The judgment is against a real estate brokerage corporation or partnership.

Section 146. Subsections (4), (5), and (7) of section 475.484, Florida Statutes, are amended to read:

475.484 Payment from the fund.—

(4) Payments for claims based upon judgments against any one broker or salesperson ~~may shall~~ not exceed, in the aggregate, \$75,000 ~~\$50,000~~.

(5) If at any time the moneys in the Real Estate Recovery Fund are insufficient to satisfy any valid claim or portion thereof, the commission shall satisfy such unpaid claim or portion thereof as soon as a sufficient amount of money has been deposited in or transferred to the fund. When there is more than one unsatisfied claim outstanding, such claims shall be paid in the order in which the claims were ~~approved by the commission~~. However, if the total claims approved at any one commission meeting exceed the aggregate amount established in subsection (4) against any one broker or salesperson, the claims approved on that day shall be ~~pro-rated~~ ~~made~~.

(7) Upon the payment of any amount from the Real Estate Recovery Fund in settlement of a claim in satisfaction of a judgment against a broker or salesperson as described in s. 475.482(1), the license of such broker or salesperson shall be automatically suspended upon the date of payment from the fund. The license of such broker or salesperson ~~may shall~~ not be reinstated until the licensee ~~he~~ has repaid in full, plus interest, the amount paid from the fund. No further administrative action is necessary. A discharge of bankruptcy does not relieve a licensee ~~person~~ from the penalties and disabilities provided in this section.

Section 147. Section 475.5017, Florida Statutes, is amended to read:

475.5017 Injunctive relief; powers.—

(1) Appropriate civil action may be brought by the department in circuit court to enjoin a broker from engaging in, or continuing, a violation of this ~~part chapter~~ or doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding such temporary or permanent injunction as may be deemed proper. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which such action is brought shall have power and jurisdiction to impound and appoint one or more receivers for the property and business of the broker, including books, papers, documents, and records pertaining thereto, or as much thereof as the court may deem reasonably necessary to prevent violations of the law or injury to the public through, or by means of, the use of such property and business. Such receiver, when so appointed and qualified, shall have such powers and duties as to custody, collection, administration, winding up, and liquidation of such property and business as is, from time to time, conferred upon him by the court. *In any such action, the court may issue an order staying all pending civil actions and the court, in its discretion, may require that all civil actions be assigned to the circuit court judge that appointed the receiver.*

(2) *All expenses of the receiver shall be paid out of the assets of the brokerage firm upon application to and approval by the court. If the assets are not sufficient to pay all the expenses of the receiver, the court may order disbursement from the Real Estate Recovery Fund, which may not exceed \$75,000 per receivership.*

Section 148. Subsection (3) is added to section 475.611, Florida Statutes, to read:

475.611 Definitions.—

(3) *For the purposes of service on any probable cause panel appointed pursuant to s. 455.225(4), "former board member" includes any person who is a former member of the Appraisal Subcommittee of the Florida Real Estate Commission.*

Section 149. Subsection (5) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline.—The board may deny an application for registration, licensure, or certification; investigate the actions of any appraiser registered, licensed, or certified under this section; and may reprimand, fine, revoke, or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation if it finds that the registrant, licensee, or certificateholder:

(5) *Has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of a registered, licensed, or certified appraiser, or which involves fraudulent or dishonest conduct. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.* The record of a conviction certified or authenticated in such form as admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

Section 150. Subsection (9) is added to section 477.013, Florida Statutes, to read:

477.013 Definitions.—As used in this chapter:

(9) *"Hair braiding" means the interweaving of hair for compensation without cutting, coloring, permanent waving, relaxing, removing, weaving, and chemical treatment.*

Section 151. Section 477.0132, Florida Statutes, is created to read:

477.0132 Hair braiding registration.—Persons whose occupation or practice is confined solely to hair braiding must register with the department, pay the applicable registration fee, and take a two-day 16 hour course. The course shall be board approved and consist of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting cosmetology.

Section 152. Paragraph (f) is added to subsection (1) of section 477.026, Florida Statutes, to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

(f) *For hair braiders, fees for registration shall not exceed \$25.*

Section 153. Paragraph (a) of subsection (1) and paragraph (d) of subsection (5) of section 480.041, Florida Statutes, are amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement; provisional licensure.—

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Is at least ~~18~~ ~~16~~ years of age or has received a high school diploma or graduate equivalency diploma;

(5) The board shall adopt rules:

(d) Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in ~~any other another~~ state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

Section 154. Subsection (3) of section 480.042, Florida Statutes, is amended to read:

480.042 Examinations.—

(3) The department shall, in accordance with rules established by the board, examine persons who file applications for licensure under this act in all matters pertaining to the practice of massage. A written ~~and a practical~~ examination shall be offered at least once yearly and at such other times as the department shall deem necessary.

Section 155. Subsection (3) of section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.—

(3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or to use the title "interior designer," as applicable, issued by another jurisdiction of the

United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria ~~that which~~ existed in this state at the time the license was issued; or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must ~~shall~~ be equivalent to that required in s. 481.209(1)(b). ~~Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.~~

Section 156. Section 481.215, Florida Statutes, is amended to read:

481.215 Renewal of license.—

(1) Subject to the requirement of subsection (3)(5), the department shall renew a license upon receipt of the renewal application and renewal fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

~~(3) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the qualifications for reactivation in s. 481.217.~~

~~(4) Sixty days prior to the automatic reversion of a license to inactive status, the department shall mail a notice of such reversion to the last known address of the licensee.~~

(3)(5) No license renewal shall be issued to an architect or an interior designer by the department until the licensee submits proof satisfactory to the department that, during the 2 years prior to his application for renewal, the licensee ~~he has~~ participated *per biennium* in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture or interior design. The board may make exception from the requirements of continuing education in emergency or hardship cases.

(4) The board shall by rule establish criteria for the approval of continuing education courses and providers and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

Section 157. Subsection (9) is added to section 481.329, Florida Statutes, to read:

481.329 Exceptions; exemptions from licensure.—

(9)(a) Nothing in this part prohibits a person from engaging in the practice of, or offering to practice as, a golf course architect.

(b) As used in this subsection, the term "golf course architect" means a person who performs professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the predominant purpose of such service is the design of a golf course.

Section 158. Subsection (4) is added to section 484.0445, Florida Statutes, to read:

484.0445 Training program.—

(4) The board may, by rule, require that a licensed hearing aid specialist acting as a sponsor or as the designee of a sponsor under this section be certified by the National Board for Certification in Hearing Instrument Sciences.

Section 159. Paragraph (e) of subsection (1) of section 484.045, Florida Statutes, is amended to read:

484.045 Licensure by examination.—

(1) Any person desiring to be licensed as a hearing aid specialist shall apply to the department to take the licensure examination, which shall include a clinical practical component. The department shall examine each applicant who the board certifies:

(e)1. Has met the requirements set forth in s. 484.0445; or

2.a. Has a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing in such capacity for at least 12 months; or

b. Is currently certified by the National Board for Certification in Hearing Instrument Sciences and has been actively practicing for at least 12 months. Persons qualifying under this sub-subparagraph need not take the written or practical examination, but must take and pass a test on Florida laws and rules relating to the fitting and dispensing of hearing aids.

3. ~~Has at least 12 months of full-time experience as a legally practicing hearing aid specialist in another state, as documented by the board by rule.~~

Section 160. Section 492.107, Florida Statutes, is amended to read:

492.107 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by persons holding valid licenses. ~~Each licensee shall obtain an impression-type metal seal in the form aforesaid.~~ All geological papers, reports, and documents prepared or issued by the licensee shall be signed by the licensee, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. It is unlawful for any person to stamp or seal any document with a seal after that person's his license has expired or been revoked or suspended, unless reinstated or reissued.

(2) No registrant shall affix or permit to be affixed the registrant's his seal or name to any geologic reports, papers, or other documents which depict work which the registrant he is not licensed to perform or which is beyond the registrant's his profession or specialty therein.

Section 161. Subsections (3), (4), and (5) of section 457.107, Florida Statutes, are amended to read:

457.107 Renewal of certificates; continuing education.—

~~(3) Any certificate which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such certificate may be reactivated only if the certificateholder meets the other qualifications for the reactivation of an inactive certificate as prescribed in s. 457.108.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a certificate to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the certificateholder.~~

(3)(5) The board shall by rule prescribe continuing education requirements, not to exceed 30 20 hours biennially, as a condition for renewal of a certificate. The criteria for such programs or courses shall be approved by the board. In order to meet continuing education requirements, prior approval by the board of such programs or courses is ~~shall~~ be required. All education programs that which contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval. The board shall have the authority to set a fee, not to exceed \$100, for each continuing education provider or program submitted for approval.

Section 162. Section 457.108, Florida Statutes, is amended to read:

457.108 Inactive status; expiration; reactivation of certificates.—

(1) A certificate that which has become inactive may be reactivated under pursuant to this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a certificate. The continuing education requirements for reactivating a certificate must ~~shall~~ not exceed 10 classroom hours for each year the certificate was inactive, in addition to completion of the number of hours required for renewal on the date the certificate became inactive. ~~Any certificate which has been inactive for more than 4 years shall automatically expire if the certificateholder has not made application for its reactivation. Once a certificate expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive certificate, the department shall give notice to the certificateholder at the certificateholder's last address of record.~~

(2) The board shall ~~adopt promulgate~~ rules relating to application procedures for inactive status, renewal of inactive certificates, and reactivation of certificates. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a *delinquency fee*, and a fee for the reactivation of a certificate. ~~None~~ Each of these fees may exceed shall be the same as the biennial renewal fee established by the board for an active certificate.

(3) The department shall not reactivate a certificate unless the *inactive or delinquent* certificateholder has paid an *inactive status application fee*, any applicable biennial renewal or *delinquency fee*, or *both*, and a reactivation fee.

Section 163. Subsections (3), (4), and (5) of section 458.319, Florida Statutes, are amended to read:

458.319 Renewal of license.—

~~(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 458.321.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

(3)(5) The licensee must have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee shall notify the department of the address of his new primary place of practice.

Section 164. Section 458.321, Florida Statutes, is amended to read:

458.321 Inactive status.—

(1) A license ~~that which~~ has become inactive may be reactivated ~~under pursuant to s. 458.319~~ upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license ~~must shall~~ not be ~~fewer less~~ than 20 classroom hours for each year the license was inactive. ~~The board shall, by rule, determine the length of time, not less than 4 years or more than 6 years, within which an inactive license may be reactivated. However, an inactive license which is not reactivated within that time shall automatically expire. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

(2) The board shall ~~adopt promulgate~~ rules relating to licenses ~~that which~~ have become inactive and for the reactivation of inactive licenses, including criteria an applicant must meet in order to activate an inactive license ~~which has not expired. The board shall prescribe by rule a fee not to exceed \$1,000 for the reactivation of an inactive license.~~

Section 165. Paragraph (e) of subsection (2) of section 458.327, Florida Statutes, is amended to read:

458.327 Penalty for violations.—

(2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(e) Practicing medicine or attempting to practice medicine with an inactive or *delinquent* license.

Section 166. Section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application ~~and fee, evidence that the applicant has actively practiced osteopathic medicine, or has been on the active teaching faculty of an accredited osteopathic medical school, within the previous 4 years, and fee.~~ If the licensee has not actively practiced osteopathic medicine within the previous 4 years, the board shall certify the licensee to the department for renewal of the license subject to the condition that the licensee work under the supervision of another osteopathic physician for a period not to exceed 1 year as determined by the board based on its determination of the licensee's ability to practice osteopathic medicine. The supervising physician shall have had no probable cause findings against him within the previous 3 years.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses and certificates issued under this chapter.

~~(3) Any license or certificate issued pursuant to this chapter which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license or certificate may be reactivated only if the licensee or certificateholder meets the other qualifications for licensure, certification, or reactivation as provided in this chapter. Any certificate or license issued pursuant to this chapter shall automatically expire if not renewed biennially.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a license or certificate to inactive status or expiration of a license or certificate, the department shall mail a notice of renewal and possible reversion or expiration to the last known address of the licensee or certificateholder.~~

(3)(5) The licensee or certificateholder must have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee or certificateholder ~~must shall~~ notify the department of the address of his new primary place of practice.

(4)(6) The board shall, by rule, prescribe continuing education programs and courses, not to exceed 40 hours biennially, as a condition for renewal of a license. Such programs and courses ~~must shall~~ build on the basic educational requirements for licensure as an osteopathic physician and ~~must shall~~ be approved by the board.

Section 167. Section 459.009, Florida Statutes, is amended to read:

459.009 Inactive status.—

(1) A license or certificate ~~that which~~ has become inactive may be reactivated ~~under pursuant to s. 459.008 or s. 459.022~~ upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license or certificate ~~may shall~~ not be ~~fewer less~~ than 20 classroom hours for each year the license or certificate was inactive. ~~The board shall, by rule, determine the length of time, not less than 2 or more than 4 years, within which an inactive license or certificate shall automatically expire unless it has been reactivated if the licensee has not made application for renewal of such license or certificate. Once a license or certificate expires, it becomes null and void without any further action by the board or department. Six months prior to expiration of the license or certificate, the department shall give notice to the licensee or certificateholder of impending expiration.~~

(2) The board shall ~~adopt promulgate~~ rules relating to reactivation of licenses or certificates ~~that which~~ have become inactive ~~or expired~~ and for the renewal of inactive licenses and certificates.

(3)(a) The department ~~may shall~~ not reactivate a license or certificate unless the inactive or *delinquent* licensee or certificateholder has paid an ~~inactive application fee~~, any applicable biennial renewal or *delinquency fee*, or *both*, and a reactivation fee.

(b) The board shall prescribe by rule an application fee for inactive status, a biennial renewal fee for inactive status, a *delinquency fee*, and a fee for the reactivation of a license or certificate. ~~None~~ Each of these fees ~~may exceed shall be the same as~~ the biennial renewal fee established by the board for an active license or certificate.

Section 168. Subsections (3), (4), (5), and (6) of section 460.407, Florida Statutes, are hereby repealed.

Section 169. Subsections (3), (4), and (5) of section 461.007, Florida Statutes, are amended to read:

461.007 Renewal of license.—

~~(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 461.008.~~

~~(4) Sixty days prior to the end of the biennium and the automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

(3)(5) The board may by rule prescribe continuing education, not to exceed 40 hours biennially, as a condition for renewal of a license. The criteria for such programs or courses shall be approved by the board.

Section 170. Section 461.008, Florida Statutes, is amended to read:

461.008 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 20 classroom hours for each year the license was inactive in addition to completion of the number of hours required for renewal on the date the license became inactive. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.

(1)(2) The board shall ~~adopt promulgate~~ rules relating to application procedures for inactive status, relating to the renewal of inactive licenses, and to ~~for~~ the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a *delinquency fee*, and a fee for the reactivation of a license. ~~None~~ Each of these fees ~~may exceed shall be the same as~~ the biennial renewal fee established by the board for an active license.

(2)(3) The department ~~may shall~~ not reactivate a license unless the inactive or *delinquent* licensee has paid an ~~inactive application fee~~, any applicable biennial renewal or *delinquency fee*, or *both*, and a reactivation fee.

Section 171. Section 462.08, Florida Statutes, is amended to read:

462.08 Renewal of license to practice naturopathy.—Each licensee-holder shall biennially renew his license to practice naturopathy. The applicant ~~must furnish to the department such evidence as it requires of the applicant's compliance with s. 462.18, relating to educational requirements. The biennial renewal fee, the amount of which shall be determined by the department but which may not exceed \$1,000, must be paid at the time the application for renewal of the license is filed. on or before May 1 of each year in the following manner:~~

(1) At least 30 days prior to May 1, the department shall mail to each person holding a valid current license, at the last address of record, an application for license.

(2) The applicant shall fill in the application blank and return it to the department on or before May 1.

(3) The applicant shall furnish to the department such evidence as it may require of having complied with s. 462.18 relating to the educational requirements.

(4) The biennial renewal fee, the amount of which shall be determined annually by the department but shall not exceed \$1,000, shall be paid at the time the application for renewal of license is filed.

Section 172. Subsections (3), (4), (5), (6), and (7) of section 462.19, Florida Statutes, are amended to read:

462.19 Renewal of license; inactive status.—

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in subsections (5), (6), and (7).

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail notice of renewal and possible reversion to the last known address of the licensee.

(3)(5) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the department not to exceed \$50.

(6) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to subsections (1) and (2) upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(7) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The department shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 12 classroom hours for each year the license was inactive and in no event shall it exceed 120 classroom hours. Any license which is inactive for more than 10 years shall be automatically suspended. One year prior to the suspension, the department shall give notice to the licensee.

Section 173. Subsections (3), (4), and (5) of section 463.007, Florida Statutes, are amended to read:

463.007 Renewal of license; continuing education.—

(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 463.008.

(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.

(3)(5)(a) Unless otherwise provided by law, the board shall require licensees to periodically demonstrate their professional competence, as a condition of renewal of a license, by completing up to 30 hours of continuing education during the 2-year period preceding license renewal. For certified optometrists, the 30-hour continuing education requirement shall include 6 or more hours of approved transcript-quality coursework in ocular and systemic pharmacology and the diagnosis, treatment, and management of ocular and systemic conditions and diseases during the 2-year period preceding application for license renewal.

(4)(b) Criteria or course content of continuing education ~~must shall~~ be approved by the board and ~~must shall~~ be regularly reviewed by the board to assure that the programs adequately and reliably contribute to the professional competence of the licensee.

Section 174. Section 463.008, Florida Statutes, is amended to read:

463.008 Inactive status.—

(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department. The applicant for reactivation shall disclose on the application whether any disciplinary action has been taken against any optometry license the practitioner possessed in any other jurisdiction during the time period in which the Florida license was inactive. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 15 classroom hours for each year the license was inactive, in addition to completion of the number of hours required for renewal on the date the license became inactive. The board shall, by rule, determine the length of time, not less than 4 or more than 6 years, within which an inactive license shall be reactivated. Any inactive license which is not reactivated within that time shall automatically expire. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.

(1)(2) The board shall ~~adopt promulgate~~ rules relating to application procedures for inactive status, for the biennial renewal of inactive licenses, and for the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a *delinquency fee*, and a fee for the reactivation of a license. ~~None~~ Each of these fees ~~may exceed shall be the same as~~ the biennial renewal fee established by the board for an active license.

(2)(3) The department ~~may shall~~ not reactivate a license unless the inactive or *delinquent* licensee has paid an ~~inactive application fee~~, any applicable biennial renewal or *delinquency fee*, or *both*, and a reactivation fee.

Section 175. Paragraph (n) of subsection (1) of section 463.016, Florida Statutes, is amended to read:

463.016 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(n) Practicing with a revoked, suspended, or inactive, or delinquent license.

Section 176. Subsections (4) and (5) of section 464.013, Florida Statutes, are hereby repealed.

Section 177. Section 464.014, Florida Statutes, is amended to read:

464.014 Inactive status.—

~~(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 15 classroom hours for each year the license was inactive in addition to completion of the number of hours required for renewal on the date the license became inactive. The board shall, by rule, determine the length of time, not less than 4 or more than 6 years, within which an inactive license shall be reactivated. However, any inactive license which is not reactivated within that time shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

(1)(2) The board shall ~~adopt~~ promulgate rules relating to application procedures for inactive status, relating to the biennial renewal of inactive licenses, and to ~~for~~ the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a license. ~~None of these fees may exceed the biennial renewal fee established by the board for biennial renewal of an active license.~~

(2)(3) The department ~~may~~ shall not reactivate a license unless the inactive or delinquent licensee has paid ~~an inactive application fee~~, any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 178. Subsections (3), (4), and (5) of section 465.008, Florida Statutes, are amended to read:

465.008 Renewal of license.—

~~(3) Any active license which is not renewed at the end of the biennium prescribed by the department shall automatically become delinquent. A delinquent license may be reinstated within 60 days of its delinquency upon compliance with subsections (1) and (2) and upon payment of a \$75 delinquent fee. Any delinquent license which has not been reinstated within 60 days of delinquency shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 465.012.~~

(3)(4) Sixty days prior to the end of the biennium the department shall mail a notice of renewal to the last known address of the licensee.

(4)(5) Any person licensed under this chapter for 50 years or more is shall be exempt from the payment of the renewal or delinquent fee, and a lifetime license shall be issued by the department ~~shall issue a lifetime license~~ to such a person.

Section 179. Section 465.012, Florida Statutes, is amended to read:

465.012 Reactivation of license; continuing education Inactive status.—

~~(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department.~~

(1)(a) The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall be at least 15 classroom hours for each year the license was inactive in addition to completion of the number of hours required for renewal on the date the license became inactive.

(b) Any license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without further action by the board or department. One year prior to expiration, the department shall give notice to the licensee at the licensee's last address of record.

(2) The board shall ~~adopt~~ promulgate rules relating to application procedures for inactive status, to the biennial renewal of inactive licenses, and to the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a biennial renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a license. ~~None~~ Each of these fees may exceed shall be the same as the biennial renewal fee established by the board for an active license.

(3) The department ~~may~~ shall not reactivate a license unless the inactive or delinquent licensee has paid the delinquent fee, any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 180. Subsections (3) and (4) of section 466.013, Florida Statutes, are hereby repealed.

Section 181. Section 466.015, Florida Statutes, is amended to read:

466.015 Inactive status.—

~~(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 15 classroom hours for each year the license was inactive. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

(1)(2) The board shall ~~adopt~~ promulgate rules relating to application procedures for inactive status, relating to the renewal of inactive licenses, and to ~~for~~ the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a biennial renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a license. ~~None~~ Each of these fees may exceed shall be the same as the biennial renewal fee established by the board for an active license.

(2)(3) The department shall not reactivate a license unless the inactive or delinquent licensee has paid ~~an inactive application fee~~, any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

Section 182. Subsections (4) and (5) of section 467.012, Florida Statutes, are hereby repealed.

Section 183. Section 467.013, Florida Statutes, is amended to read:

467.013 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee.

~~(2) A license which has been inactive for less than 1 year after the end of the biennium prescribed by the department may be renewed pursuant to s. 467.012 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.~~

(3) A license which has been inactive for more than 1 year may be reactivated upon application to the department. The department shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license shall not exceed 10 classroom hours for each year the license was inactive in addition to completion of the number of hours required for renewal on the date the license became inactive. The department shall, by rule, determine the length of time, not less than 4 nor more than 6 years, within which an inactive license shall be reactivated. However, any inactive license which is not reactivated within that time shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires it becomes null and void without any further action by the department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record. The department shall promulgate rules relating to application procedures for inactive status, renewal of inactive licenses, and reactivation of licenses.

Section 184. Section 467.0135, Florida Statutes, is amended to read:

467.0135 Fees.—The department shall establish fees for application, examination, initial licensure, renewal of licensure, licensure by endorsement, and inactive status, delinquent status, and reactivation of an inactive license, which may not exceed shall be:

- (1) ~~\$500 Not less than \$100 nor more than \$250~~ for examination.
- (2) ~~\$500 Not less than \$50 nor more than \$150~~ for initial licensure.
- (3) ~~\$500 Not less than \$25 nor more than \$75 for renewal of licensure, except that an additional late renewal fee of \$50 shall be assessed to any applicant whose license is renewed after the expiration date.~~
- (4) ~~Not more than \$50 for requesting that a license be placed in an inactive status.~~
- (4) \$200 for application, which fee is nonrefundable.
- (5) \$500 for reactivation of an inactive license.
- (6) \$500 for licensure by endorsement.

No fee for inactive status, reactivation of an inactive license, or delinquency may exceed the fee established by the department for biennial renewal of an active license. All fees collected under this section shall be deposited in the Professional Regulation Trust Fund.

Section 185. Subsections (4) and (5) of section 468.1195, Florida Statutes, are hereby repealed.

Section 186. Subsection (1) of section 468.1205, Florida Statutes, is amended to read:

468.1205 ~~Reactivation; continuing education~~ **Inactive status.**—

~~(1) A license or certificate which has become inactive may be reactivated pursuant to this section upon application to the department and payment of an inactive status application fee, any applicable biennial renewal fee, and a reactivation fee.~~

(1)(a) The board shall prescribe by rule continuing education requirements as a condition of reactivating a license or certificate. The continuing education requirements for reactivating a license or certificate may shall not exceed 25 contact hours for each year the license was inactive in addition to the continuing education that which was required for renewal on the date the license became inactive.

~~(b) Any such license or certificate which has been inactive for more than 4 years shall automatically expire if the licensee or certificateholder has not made application for reactivation. Once a license or certificate expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license or certificate, the department shall give notice to the licensee or certificateholder at the licensee's or certificateholder's last address of record.~~

Section 187. Subsections (6) and (7) of section 468.1225, Florida Statutes, are amended to read:

468.1225 **Procedures, equipment, and protocols.**—

(6) Unless otherwise indicated, each audiometric test conducted by a licensee or a certified audiology assistant in the fitting and selling of hearing aids shall be made in a testing room that has been certified by the department, or by an agent approved by the department, not to exceed the following sound pressure levels at the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement shall be made in the case of a client who requests that the test be conducted in a place other than the licensee's certified testing room. When a test is conducted under this exception, the licensee shall obtain a waiver from the client on a form provided by the department. The executed waiver shall be attached to the client's copy of the contract, and a copy of the executed waiver shall be retained in the licensee's file.

(7) The board shall have the power to prescribe the minimum procedures and equipment necessary for conducting hearing assessments and for fitting and selling hearing aids. The board shall adopt and enforce rules necessary to carry out the provisions of this subsection and subsection (6).

~~(8)(7)~~ Any duly authorized officer or employee of the department shall have the right to make such inspections and investigations as are necessary in order to determine the state of compliance with the provisions of this section and the applicable rules and may enter the premises of a licensee and inspect the records of same upon reasonable belief that a violation of this law is being or has been committed or that the licensee has failed or is failing to comply with the provisions of this part.

Section 188. Paragraphs (e) and (f) of subsection (1) of section 468.1285, Florida Statutes, are amended to read:

468.1285 **Prohibitions; penalties.**—

(1) No person shall knowingly:

(e) Use or attempt to use a license to practice speech-language pathology or audiology which has been suspended, revoked, or placed on inactive or delinquent status.

(f) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license.

Section 189. Subsection (1) of section 468.1295, Florida Statutes, is amended to read:

468.1295 **Disciplinary proceedings.**—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.228.

(a) Attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

~~(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea.~~

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

~~(f) Being proven~~ **Proof that the licensee is** guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, ~~or~~ inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, or advising any licensed person to practice speech-language pathology or audiology contrary to this part or to a rule of the department or the board.

(m) Violation or repeated violation of this part or of chapter 455, or any rules adopted pursuant thereto.

(n) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of any other term or title which might connote the availability of professional services when such use is not accurate.

(o) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual person, when such is not the case.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(v) Failing to provide all information as described in s. 468.1245(1).

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

Section 190. Subsections (3), (4), and (5) of section 468.1715, Florida Statutes, are amended to read:

468.1715 Renewal of license.—

~~(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 468.1725.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

(3)(5) The board may by rule prescribe continuing education, not to exceed 40 hours biennially, as a condition for renewal of a license or certificate. The board shall by rule establish criteria for the approval of such programs or courses. The programs or courses approved by the board shall include correspondence courses that which meet the criteria for continuing education courses held in a classroom setting. The board may establish by rule an application fee not to exceed \$100 for anyone seeking approval to provide continuing education courses and may provide by rule a fee not to exceed \$50 for renewal of providership.

Section 191. Section 468.1725, Florida Statutes, is amended to read:

468.1725 Inactive status.—

~~(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department.~~

(1)(a) The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license may shall not exceed 20 classroom hours for each year the license was inactive, in addition to completion of the number of hours required for renewal on the date the license became inactive.

~~(b) Any license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

(2) The board shall ~~adopt~~ ~~promulgate~~ rules relating to application procedures for inactive status, for the renewal of inactive licenses, and for the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a *delinquency fee*, and a fee for the reactivation of a license. ~~None~~ ~~Each~~ of these fees ~~may exceed shall be the same as~~ the biennial renewal fee established by the board for an active license.

(3) The department ~~may~~ ~~shall~~ not reactivate a license unless the inactive or *delinquent* licensee has paid an ~~inactive status application fee~~, any applicable biennial renewal or *delinquency fee*, or both, and a reactivation fee.

Section 192. Paragraph (j) of subsection (1) of section 468.1755, Florida Statutes, is amended to read:

468.1755 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(j) Practicing with a revoked, suspended, ~~or~~ inactive, or *delinquent* license.

Section 193. For the purpose of incorporating the amendment to section 468.1755, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

468.1695 Licensure by examination.—

(3) The department shall issue a license to practice nursing home administration to any applicant who successfully completes the examination in accordance with this section and otherwise meets the requirements of this part. The department shall not issue a license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply.

468.1735 Provisional license.—The board may establish by rule requirements for issuance of a provisional license. A provisional license shall be issued only to fill a position of nursing home administrator that unexpectedly becomes vacant due to illness, sudden death of the administrator, or abandonment of position and shall be issued for one single period as provided by rule not to exceed 6 months. The department shall not issue a provisional license to any applicant who is under investigation in this state or another jurisdiction for an offense which would constitute a violation of s. 468.1745 or s. 468.1755. Upon completion of the investigation, the provisions of s. 468.1755 shall apply. The provisional license may be issued to a person who does not meet all of the licensing requirements established by this part, but the board shall by rule establish minimal requirements to ensure protection of the public health, safety, and welfare. The provisional license shall be issued to the person who is designated as the responsible person next in command in the event of the administrator's departure. The board may set an application fee not to exceed \$500 for a provisional license.

468.1756 Statute of limitations.—An administrative complaint may only be filed pursuant to s. 455.225 for an act listed in paragraphs (1)(c)-(p) of s. 468.1755 within 4 years from the time of the incident giving rise to the complaint, or within 4 years from the time the incident is discovered or should have been discovered.

Section 194. Section 468.219, Florida Statutes, is amended to read:

468.219 Renewal of license; continuing education.—

(1) Licenses issued under this ~~part are~~ ~~not~~ ~~shall be~~ subject to biennial renewal ~~as provided in s. 455.203 and shall expire unless renewed in the manner prescribed by the rules of the board, upon the payment of a renewal fee. The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules, but no such late renewal of a license may be granted more than 5 years after its expiration.~~

(2) ~~The board may by rule prescribe continuing education requirements, not to exceed 30 contact hours biennially, as a condition for renewal of licensure. The program criteria for those requirements must be approved by the board. A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in any other conduct or activity in violation of the order or judgment by which the license was~~

suspended. If a license revoked on a disciplinary ground is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

Section 195. Subsection (1) of section 468.221, Florida Statutes, is amended to read:

468.221 Fees.—

(1) The board shall prescribe, and publish in the manner established by its rules, fees in amounts determined by the board for the following purposes:

- (a) Application for license.
- (b) Examination fee.
- (c) Initial license fee.
- (d) Renewal of active license fee.
- (e) Delinquency Late renewal fee.
- (f) Application for inactive license fee.
- (g) Renewal of inactive license fee.
- (h) Reactivation fee.

Section 196. Paragraphs (d) and (e) of subsection (1) and subsection (2) of section 468.223, Florida Statutes, are amended to read:

468.223 Prohibitions; penalties.—

- (1) A person may not:
 - (d) Knowingly give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;
 - (e) Use or attempt to use a license which has been suspended, revoked, or placed on inactive or delinquent status;
- (2) Any person who violates any provision of this section commits a guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 197. Subsections (2), (3), and (4) of section 468.361, Florida Statutes, are amended to read:

468.361 Renewal of certification or registration; continuing education.—

~~(2) Any certificate or registration which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status and may be reactivated only if the certificateholder or registrant meets the requirements for reactivation set forth in s. 468.363.~~

~~(3) Sixty days before the end of the biennium and automatic reversion of certification or registration to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the certificateholder or registrant.~~

(2)(4) The board shall prescribe by rule continuing education requirements, not to exceed 24 hours biennially, as a condition for renewal of certification or registration. The program criteria with respect thereto shall be approved by the board.

Section 198. Section 468.363, Florida Statutes, is amended to read:

468.363 Reactivation of certification or registration from inactive status or expiration; continuing education requirements; fees.—

~~(1)(a) Any certificate or registration which has reverted to the inactive status pursuant to the provisions set forth in s. 468.361 may be reactivated upon application to the department and payment of the appropriate fees.~~

(b) The board shall prescribe by rule continuing education requirements as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or registration may shall not exceed 12 classroom hours for each year the certificate or registration was inactive.

~~(c) Any certificate or registration which has been inactive for more than 4 years automatically expires if the certificateholder or registrant has not made application for renewal or reactivation of the certificate or~~

~~registration. When a certificate or registration expires, it becomes void without any further action by the board or department. One year before expiration of the certificate or registration, the department shall give notice to the certificateholder or registrant.~~

~~(2) The board shall promulgate rules relating to reversion to inactive status and to the expiration of certification or registration, which rules provide for the renewal of an inactive certification or registration, the reactivation of an inactive certification or registration, and the recertification and reregistration of a person whose state certification or registration has expired and establish fees therefor.~~

Section 199. Subsection (6) of section 468.383, Florida Statutes, is amended to read:

468.383 Exemptions.—This act does not apply to the following:

(6) Auctions of collateral, sales conducted to enforce carriers' or warehousemen's liens, sales of the contents of self-contained storage units, bulk sales, sales of goods by a presenting bank following dishonor of a documentary draft, resales of rightfully rejected goods, or resales conducted pursuant to law, if the auction is conducted by the owner or agent of the lien on or interest in such goods.

Section 200. Subsections (3) and (4) of section 468.3851, Florida Statutes, are hereby repealed.

Section 201. Section 468.3852, Florida Statutes, is amended to read:

468.3852 Reactivation of license; fee Inactive status.—

~~(1) A license which has become inactive may be reactivated pursuant to s. 468.3851, upon application to the department. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. One year prior to expiration of the license, the department shall give notice to the licensee. Once a license expires, it becomes null and void without any further action by the board or department.~~

~~(2) The board shall adopt rules relating to licenses which have become inactive and for the reactivation of inactive licenses. The board shall prescribe by rule a fee not to exceed \$250 for the reactivation of an inactive license. The Such fee shall be in addition to the current biennial renewal fee.~~

Section 202. Subsections (3) and (4) of section 468.514, Florida Statutes, are hereby repealed.

Section 203. Subsections (4) and (5) of section 468.515, Florida Statutes, are hereby repealed.

Section 204. Subsection (1) of section 468.517, Florida Statutes, is amended to read:

468.517 Prohibitions; penalties.—

(1) A No person may not shall knowingly:

(a) Engage in dietetics and nutrition practice for remuneration unless the person is licensed under pursuant to the provisions of ss. 468.501-468.518;

(b) Use the name or title "dietitian," "licensed dietitian," "nutritionist," "licensed nutritionist," "nutrition counselor," or "licensed nutrition counselor," or any other words, letters, abbreviations, or insignia indicating or implying that he is a dietitian, nutritionist, or nutrition counselor, or otherwise hold himself out as such, unless the person is the holder of a valid license issued under pursuant to ss. 468.501-468.518;

(c) Present as his own the license of another;

~~(d) Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;~~

(e) Use or attempt to use a license that which has been suspended, revoked, or placed on inactive or delinquent status;

(f) Employ unlicensed persons to engage in dietetics and nutrition practice; or

(g) Conceal information relative to any violation of ss. 468.501-468.518.

Section 205. Subsection (1) of section 468.518, Florida Statutes, is amended to read:

468.518 Grounds for disciplinary action.—

(1) The following acts ~~shall~~ constitute grounds for which the disciplinary actions in subsection (2) may be taken:

(a) Violating any provision of ss. 468.501-468.518 or any board or department rule;

(b) Being unable to engage in dietetics and nutrition practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.

1. A licensee whose license is suspended or revoked pursuant to this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that he can resume the competent practice of dietetics and nutrition with reasonable skill and safety to patients.

2. Neither the record of the proceeding nor the orders entered by the board in any proceeding under this paragraph may be used against a licensee in any other proceeding;

(c) Attempting to procure or procuring a license to practice dietetics and nutrition by fraud or material misrepresentation of material fact;

(d) Having a license to practice dietetics or nutrition revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, district, territory, or country;

(e) Being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of dietetics and nutrition or the ability to practice dietetics and nutrition. ~~A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;~~

(f) Making or filing a report or record ~~that which~~ the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records ~~shall~~ include only those ~~that which~~ are signed in the capacity of a licensed dietitian/nutritionist or licensed nutrition counselor;

(g) Advertising goods or services in a manner ~~that which~~ is fraudulent, false, deceptive, or misleading in form or content;

(h) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct in the practice of dietetics and nutrition;

(i) Practicing with a revoked, suspended, ~~or~~ inactive, or *delinquent* license;

(j) Treating or undertaking to treat human ailments by means other than by dietetics and nutrition practice, as defined in ss. 468.501-468.518;

(k) Failing to maintain acceptable standards of practice as set forth by the board and the council in rules adopted pursuant to ss. 468.501-468.518; ~~or~~

(l) Engaging directly or indirectly in the dividing, transferring, assigning, rebating, or refunding of fees received for professional services, or profiting by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity, with any person referring a patient or with any relative or business associate of the referring person. Nothing in ss. 468.501-468.518 ~~prohibits shall be construed to prohibit~~ the members of any regularly and properly organized business entity ~~that which~~ is composed of licensees under ss. 468.501-468.518 and ~~which is~~ recognized under the laws of this state from making any division of their total fees among themselves as they determine necessary.

Section 206. Subsections (3) and (4) of section 468.549, Florida Statutes, as created by chapter 92-75, Laws of Florida, are hereby repealed.

Section 207. Subsections (3) and (4) of section 468.550, Florida Statutes, as created by chapter 92-75, Laws of Florida, are hereby repealed.

Section 208. Subsection (1) of section 468.551, Florida Statutes, is amended to read:

468.551 Prohibitions; penalties.—

(1) A person ~~may shall~~ not:

(a) Perform the duties of an operator of a water treatment plant or domestic wastewater treatment plant unless he is licensed under ss. 468.540-468.552;

(b) Use the name or title "water treatment plant" or "domestic wastewater treatment plant operator" or any other words, letters, abbreviations, or insignia indicating or implying that he is an operator, or otherwise holds himself out as an operator, unless the person is a holder of a valid license issued under ss. 468.540-468.552;

(c) Present as his own the license of another;

(d) ~~Knowingly give false or forged evidence to the department for the purpose of obtaining a license;~~

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or *delinquent* status;

(f) Employ unlicensed persons to perform the duties of an operator of a water treatment or domestic wastewater treatment plant; or

(g) Conceal information relative to any violation of ss. 468.540-468.552.

Section 209. Subsections (3) and (4) of section 470.015, Florida Statutes, are hereby repealed.

Section 210. Section 470.016, Florida Statutes, is amended to read:

470.016 Inactive status.—

(1) A funeral director or embalmer license ~~that which~~ has become inactive may be reactivated ~~under pursuant to s. 470.015~~ upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license ~~may shall~~ not exceed 12 classroom hours, in addition to a board-approved course on communicable diseases, for each year the license was inactive. ~~Any such license which has been inactive for more than one renewal cycle shall automatically expire if the licensee has not made application for reactivation or renewal of inactive status. Once a license expires, it becomes void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

(2) ~~The board shall promulgate rules relating to application procedures for inactive status, the biennial renewal of inactive licenses, and the reactivation of licenses.~~ The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a *delinquency fee*, and a fee for reactivation of a license. ~~None of these fees may not exceed the biennial renewal fee established by the board for an active license.~~

(3) The department may not reactivate a license unless the inactive or *delinquent* licensee has paid ~~an inactive application fee~~, any applicable biennial renewal or *delinquency fee*, or ~~both~~, and a reactivation fee.

Section 211. Subsections (3) and (4) of section 470.018, Florida Statutes, as amended by chapter 93-399, Laws of Florida, are hereby repealed.

Section 212. Subsection (1) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

(1) The board by rule may establish fees to be paid for applications, examination, reexamination, licensing and renewal, inactive status application and reactivation of inactive licenses, and recordmaking and recordkeeping. The board may also establish by rule a *delinquency fee* ~~late renewal penalty~~. The board shall establish fees ~~that which~~ are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement ss. 471.001-471.037 and the provisions of law with respect to the regulation of engineers.

Section 213. Subsections (3) and (4) of section 471.017, Florida Statutes, are hereby repealed.

Section 214. Section 471.019, Florida Statutes, is amended to read:

471.019 *Reactivation; continuing education Inactive status.*—

~~(1) A license which has become inactive may be reactivated pursuant to this section upon application to the department and payment of an inactive status application fee and a reactivation fee.~~

(a) The board shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license for a registered engineer *may* ~~shall~~ not exceed 12 classroom hours for each year the license was inactive.

~~(b) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes void without further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

~~(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses.~~

Section 215. Subsection (1) of section 471.031, Florida Statutes, is amended to read:

471.031 *Prohibitions; penalties.*—

(1) ~~A No~~ person *may not shall* knowingly:

(a) Practice engineering unless the person is registered *under pursuant to* ss. 471.001-471.037;

(b) Use the name or title "registered engineer" or any other title, designation, words, letters, abbreviations, or device tending to indicate that such person holds an active registration as an engineer when the person is not registered *under pursuant to* ss. 471.001-471.037;

(c) Present as his own the registration of another;

(d) Give false or forged evidence to the board or a member thereof *for the purpose of obtaining a registration*;

(e) Use or attempt to use a registration *that which* has been suspended, revoked, or placed on inactive *or delinquent* status;

(f) Employ unlicensed persons to practice engineering; or

(g) Conceal information relative to violations of ss. 471.001-471.037.

Section 216. For the purpose of incorporating the amendment to section 471.031, Florida Statutes, in a reference thereto, subsection (2) of section 471.015, Florida Statutes, is reenacted to read:

471.015 *Licensure.*—

(2) The board shall certify for licensure any applicant who satisfies the requirements of s. 471.013. The board may refuse to certify any applicant who has violated any of the provisions of s. 471.031.

Section 217. Subsection (1) of section 471.033, Florida Statutes, is amended to read:

471.033 *Disciplinary proceedings.*—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 471.025, s. 471.031, or s. 455.227(1) or any other provision of this chapter or rule of the board or department;

(b) Attempting to procure a license to practice engineering by bribery or fraudulent misrepresentations;

(c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act *that which* would constitute a violation of this chapter or chapter 455;

(d) Being convicted or found guilty *of, or entering a plea of nolo contendere to*, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of engineering or the ability to practice engineering. ~~A plea of nolo contendere creates a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person who is the subject of the disciplinary proceedings to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;~~

(e) Making or filing a report or record *that which* the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those *that which* are signed in the capacity of a registered engineer;

(f) Advertising goods or services in a manner *that which* is fraudulent, false, deceptive, or misleading in form or content;

(g) *Engaging in* fraud or deceit, negligence, incompetence, or misconduct, in the practice of engineering;

(h) Violating chapter 455;

(i) Practicing on a revoked, suspended, ~~or~~ inactive, *or delinquent* license;

(j) Affixing or permitting to be affixed his seal or his name to any final drawings, specifications, plans, reports, or documents *that which* were not prepared by him or under his responsible supervision, direction, or control;~~or~~

(k) Violating any order of the board or department previously entered in a disciplinary hearing.

Section 218. Subsections (1), (3), and (4) of section 472.017, Florida Statutes, are amended to read:

472.017 *Renewal of license.*—

(1) The department shall renew a license upon receipt of the renewal application and fee, upon proof of compliance with the continuing education requirement of s. 472.018, and, if a demonstration of competency is required by law or rule, upon certification by the board that the licensee has satisfactorily demonstrated his competence in ~~land~~ surveying and mapping.

~~(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 472.019.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

Section 219. Subsection (1) of section 472.019, Florida Statutes, is amended to read:

472.019 *Reactivation; continuing education Inactive status.*—

~~(1) A license which has become inactive may be reactivated pursuant to s. 472.017 upon application to the department. The board shall prescribe by rule continuing education requirements for reactivating a license. The continuing education requirements for reactivating a license may shall not exceed 12 classroom hours for each year the license was inactive. Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

Section 220. Subsections (3) and (4) of section 473.311, Florida Statutes, are hereby repealed.

Section 221. Subsections (2) and (3) of section 473.313, Florida Statutes, are amended to read:

473.313 *Inactive status.*—

(2) A license *that which* has become inactive may be reactivated ~~under pursuant to~~ s. 473.311 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The minimum continuing education requirements for reactivating a license shall be those of the most recent biennium plus one-half of the requirements in s. 473.312 for each year or part thereof during which the license was inactive. ~~Any license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license, unless the licensee is exempted pursuant to the provisions of this subsection. One year prior to expiration of the license, the department shall give notice to the licensee. The board shall by rule extend the 4 year period during~~

~~which a license may be inactive for any licensee who is permanently retired or in active military service. The term "permanently retired" means permanently retired from the practice of public accounting. A licensee who has elected permanent retirement and subsequently applies to renew his license shall be determined not to have been permanently retired, and any extension of his inactive status beyond its first 4 years shall be invalid. The requirements for the reactivation of a permanently retired license are, therefore, the same as any other inactive license.~~

~~(3) The board may extend the 4-year period during which a license may be inactive for a licensee who has made a good-faith effort to comply with this section and for a licensee who fails to comply because of illness or unusual hardship.~~

Section 222. Subsection (1) of section 473.322, Florida Statutes, is amended to read:

473.322 Prohibitions; penalties.—

(1) ~~A~~ No person ~~may not~~ shall knowingly:

(a) Practice public accounting unless the person is a certified public accountant or a public accountant;

(b) Assume or use the titles or designations "certified public accountant" or "public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviations, sign, card, or device tending to indicate that ~~the~~ such person holds an active license under this chapter act, unless ~~the~~ such person holds an active license under this chapter act;

(c) Attest as an expert in accountancy to the reliability or fairness of presentation of financial information or utilize any form of disclaimer of opinion ~~that which~~ is intended or conventionally understood to convey an assurance of reliability as to matters not specifically disclaimed unless such person holds an active license under this chapter act. This subsection ~~does~~ shall not ~~prohibit~~ prevent the performance by persons other than certified public accountants of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without expression of opinion thereon;

(d) Present as his own the license of another;

(e) Give false or forged evidence to the board or a member thereof ~~for the purpose of obtaining a license;~~

(f) Use or attempt to use a public accounting license ~~that which~~ has been suspended, revoked, or placed on inactive or *delinquent* status;

(g) Employ unlicensed persons to practice public accounting; or

(h) Conceal information relative to violations of this chapter act.

Section 223. For the purpose of incorporating the amendment to section 473.322, Florida Statutes, in a reference thereto, subsection (2) of section 473.308, Florida Statutes, is reenacted to read:

473.308 Licensure.—

(2) The board shall certify for licensure any applicant who successfully passes the licensure examination and satisfies the requirements of ss. 473.306 and 473.307 and shall certify for licensure any firm which satisfies the requirements of ss. 473.309 and 473.3101. The board may refuse to certify any applicant or firm that has violated any of the provisions of s. 473.322.

Section 224. Subsection (1) of section 473.323, Florida Statutes, is amended to read:

473.323 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 473.317, s. 455.227(1), or any other provision of this chapter act;

(b) Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations;

(c) Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(d) Being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting;

(e) Making or filing a report or record ~~that which~~ the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those ~~that which~~ are signed in the capacity of a certified public accountant;

(f) Advertising goods or services in a manner ~~that which~~ is fraudulent, false, deceptive, or misleading in form or content;

(g) ~~Committing an act Upon proof that the licensee is guilty~~ of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of public accounting;

(h) Violation of any rule adopted pursuant to this chapter act or chapter 455;

(i) Practicing on a revoked, suspended, ~~or~~ inactive, or *delinquent* license;

(j) Suspension or revocation of the right to practice before any state or federal agency;

(k) Performance of any fraudulent act while holding a license to practice public accounting; ~~or~~

(l) Engaging in direct, in person, uninvited solicitation of a specific potential client, except to the extent that such solicitation constitutes the exercise of constitutionally protected speech as determined by the rules of the board.

(m) ~~Failing The failure by the licensee~~ to maintain a the good moral character as requirement provided in s. 473.306.

Section 225. Subsections (3), (4), and (5) of section 474.211, Florida Statutes, are amended to read:

474.211 Renewal of license.—

~~(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an involuntary inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 474.212.~~

~~(4) No later than 60 days prior to the end of the biennium and automatic reversion of a license to involuntary inactive status, the department shall mail, by regular United States mail, a notice of renewal and possible reversion to the last known address of the licensee.~~

~~(3)(5)~~ The board may by rule prescribe continuing education, not to exceed 30 hours biennially, as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board.

Section 226. Section 474.212, Florida Statutes, is hereby repealed.

Section 227. Subsection (1) of section 476.155, Florida Statutes, is amended to read:

476.155 Inactive status; reactivation of inactive license.—

(1) A barber's license ~~that which~~ has become inactive may be reactivated ~~under pursuant to~~ s. 476.154 upon application to the department. ~~Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

Section 228. Subsection (1) of section 477.0212, Florida Statutes, is amended to read:

477.0212 Inactive status.—

(1) A cosmetologist's license ~~that which~~ has become inactive may be reactivated ~~under pursuant to~~ s. 477.019 upon application to the department. ~~Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void~~

~~without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

Section 229. Section 478.50, Florida Statutes, is amended to read:

478.50 Renewal of license; *delinquent* inactive status; expiration; address notification; continuing education requirements.—

(1) The department shall provide, by rule, a method for biennial license renewal at fees set forth in s. 478.55.

(2) A license ~~that~~ which is not renewed at the end of the biennium prescribed by the department automatically reverts to *delinquent inactive* status. The board shall adopt rules establishing procedures, criteria, and fees as set forth in s. 478.55 for reactivation of an inactive license.

~~(3) Sixty days prior to the end of the biennium, the department shall mail a renewal notice to each licensee at the last known address on file.~~

~~(4) An inactive license which has not been reactivated within 4 years automatically expires. Once a license expires, it becomes null and void without further action by the board or the department.~~

~~(5) One year prior to the date an inactive license is scheduled to become null and void, the department shall mail a notice to the licensee at the last known address on file, which notice advises the individual that his license is on inactive status and will automatically become null and void if it is not reactivated within the prescribed time.~~

(3)(6) A licensee shall file with the department the address of his primary place of practice within the state prior to engaging in practice and shall notify the department of any change in *this* such address prior to the change.

(4)(7)(a) An application for license renewal ~~must~~ shall be accompanied by proof of the successful completion of 20 hours of continuing education courses or proof of successfully passing a reexamination for licensure within the immediately preceding biennium which meets the criteria established by the board. Both the continuing education and reexamination shall contain education on blood-borne diseases.

(b) The board, with the assistance of the council, shall approve criteria for, and content of, electrolysis training programs and continuing education courses required for licensure and renewal as set forth in this chapter.

(c) Continuing education programs shall be approved by the board. Applications for approval shall be submitted to the board not less than 60 days nor more than 360 days before they are held.

~~(8) The board, with the assistance of the council, shall adopt rules relating to license expiration, providing for reinstatement of expired licenses, and the relicensure of persons whose licenses have become void.~~

Section 230. Section 480.0415, Florida Statutes, is amended to read:

480.0415 License renewal.—

(1) The board shall prescribe by rule the method for renewal of biennial licensure which shall include continuing education requirements not to exceed 12 classroom hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses ~~that~~ which meet the criteria for continuing education courses held in a classroom setting.

~~(3) Any massage therapist license which is not renewed at the end of the biennium shall automatically revert to an inactive status.~~

Section 231. Subsection (1) of section 480.0425, Florida Statutes, is amended to read:

480.0425 Inactive status.—

(1) A license ~~that~~ which has become inactive may be reactivated ~~under~~ pursuant to s. 480.041 upon application to the department. The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license ~~may~~ shall not exceed 12 classroom hours for each year the license was inactive. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses ~~that~~ which meet the criteria for continuing education

courses held in a classroom setting. ~~Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

Section 232. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish separate fees for architects and interior designers, to be paid for applications, examination, reexamination, licensing and renewal, *delinquency*, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount ~~that~~ which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee ~~is~~ shall be nonrefundable. The fee for architects for initial application and examination ~~may~~ shall not exceed \$775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or a similar national organization. The biennial renewal fee for architects ~~may~~ shall not exceed \$200. The biennial renewal fee for interior designers ~~may~~ shall not exceed \$500. ~~The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board may also establish, by rule, a late renewal penalty.~~ The board shall establish fees ~~that~~ which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects.

Section 233. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

~~(1) A license which has become inactive may be reactivated pursuant to s. 481.215 upon application to the department and payment of an inactive status application fee and a reactivation fee.~~

(1)(a) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license for a registered architect ~~may~~ shall not exceed 12 contact hours for each year the license was inactive. The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one-half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.

~~(b) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

Section 234. Subsection (1) of section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties.—

(1) A ~~No~~ person ~~may not~~ shall knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect when the person is not then the holder of a valid license issued pursuant to this part;

(c) Present as his own the license of another;

(d) Give false or forged evidence to the board or a member thereof ~~for the purpose of obtaining a license;~~

(e) Use or attempt to use an architect or interior designer license ~~that~~ which has been suspended, revoked, or placed on inactive or *delinquent* status;

(f) Employ unlicensed persons to practice architecture; or

(g) Conceal information relative to violations of this part.

Section 235. Subsection (1) of section 481.225, Florida Statutes, is amended to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 481.221, s. 481.223, or s. 455.227(1) or any rule of the board or department lawfully adopted pursuant to this part or chapter 455;

(b) Attempting to procure a license to practice architecture by bribery or fraudulent misrepresentations;

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act ~~that which~~ would constitute a violation of this part or of chapter 455;

(d) Being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of architecture or the ability to practice architecture. ~~A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;~~

(e) Making or filing a report or record ~~that which~~ the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records ~~shall~~ include only those ~~that which~~ are prepared in the capacity of a registered architect;

(f) Advertising goods or services in a manner ~~that which~~ is fraudulent, false, deceptive, or misleading in form or content;

(g) Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of architecture;

(h) Practicing on a revoked, suspended, ~~or~~ inactive, ~~or delinquent~~ license;

(i) Aiding, assisting, procuring, or advising any unlicensed person to practice architecture contrary to this part or to a rule of the department or the board;

(j) Failing to perform any statutory or legal obligation placed upon a registered architect; ~~or~~

(k) Attempting to influence or overrule the professional judgment of an architect by an act that, if carried out, would constitute negligence contrary to the exercise of professional judgment in accordance with professionally accepted standards of practice or would threaten the public health, safety, or welfare.

Section 236. For the purpose of incorporating the amendments to sections 481.223 and 481.325, Florida Statutes, in references thereto, subsection (4) of section 481.213, Florida Statutes, is reenacted to read:

481.213 Licensure.—

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223, s. 481.225, or s. 481.2251, as applicable.

Section 237. Section 481.307, Florida Statutes, is amended to read:

481.307 Fees.—The board, by rule, may establish fees to be paid for applications, examination, reexamination, licensing and renewal, ~~delinquency~~, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount ~~that which~~ covers the costs of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee ~~is shall~~ be nonrefundable. The combined fees for initial application and examination ~~may shall~~ not exceed \$800 plus the actual per applicant cost to the department for purchase of portions of the examination from the Council of Landscape Architectural Registration Boards or a similar national organization. The biennial renewal fee ~~may shall~~ not exceed \$600. ~~The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board may also establish, by rule, a~~

~~late renewal penalty.~~ The board shall establish fees ~~that which~~ are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of landscape architects. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of landscape architects.

Section 238. Subsections (3) and (4) of section 481.313, Florida Statutes, are hereby repealed.

Section 239. Subsection (1) of section 481.315, Florida Statutes, is amended to read:

481.315 Inactive status.—

(1) A license ~~that which~~ has become inactive ~~or delinquent~~ may be reactivated ~~under pursuant to~~ this section upon application to the department and payment of ~~an inactive status application fee~~, any applicable biennial renewal ~~or delinquency fee, or both~~, and a reactivation fee.

~~(a)~~ The board may prescribe by rule continuing education requirements as a condition of reactivating the license. The continuing education requirements for reactivating a license ~~may shall~~ not exceed 12 classroom hours for each year the license was inactive.

~~(b)~~ Any such license ~~which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

Section 240. Subsection (1) of section 481.323, Florida Statutes, is amended to read:

481.323 Prohibitions; penalties.—

(1) A ~~No~~ person ~~may not shall~~ knowingly:

(a) Practice landscape architecture unless the person is a holder of a valid license issued ~~under pursuant to~~ this ~~part act~~;

(b) Use the name or title "landscape architect," "landscape architecture," "landscape architectural," "landscape engineering," "L.A.," or words to that effect, or advertise any title or description tending to convey the impression that he is a landscape architect when he is not then the holder of a valid license issued pursuant to this ~~part act~~;

(c) Present as his own the license of another;

(d) Give false or forged evidence to the board or a member thereof ~~for the purpose of obtaining a license~~;

(e) Use or attempt to use a landscape architect license ~~that which~~ has been suspended, revoked, or placed on inactive ~~or delinquent~~ status;

(f) Employ unlicensed persons to practice landscape architecture;

(g) Aid and abet an unauthorized person in the practice of landscape architecture; or

(h) Conceal information relative to violations of this ~~part act~~.

Section 241. Subsection (1) of section 481.325, Florida Statutes, is amended to read:

481.325 Disciplinary proceedings.—

(1) The following acts ~~shall~~ constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 481.321, s. 481.323, or s. 455.227(1);

(b) Attempting to procure a license to practice landscape architecture by bribery or fraudulent misrepresentations;

(c) Having a license to practice landscape architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country;

(d) Being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of landscape architecture or the ability to practice landscape architecture. ~~A plea of nolo contendere shall create a~~

rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;

(e) Making or filing a report or record ~~that which~~ the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those ~~that which~~ are signed in the capacity of a registered landscape architect;

(f) Advertising goods or services in a manner ~~that which~~ is fraudulent, false, deceptive, or misleading in form or content;

(g) ~~Committing an act~~ Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of landscape architecture;

(h) Violation of any rule adopted pursuant to this part or chapter 455;

(i) Practicing on a revoked, suspended, ~~or~~ inactive, ~~or delinquent~~ license;

(j) Aiding, assisting, procuring, or advising any unlicensed person to practice landscape architecture contrary to this part or to any rule of the department or of the board;

(k) Failing to perform any statutory or legal obligation placed upon a licensed landscape architect;~~or~~

(l) Affixing or permitting to be affixed his seal or name to any plan, specification, drawing, or other document which was not prepared by him or under his responsible supervising control or which was not reviewed, approved, or modified, and adopted by him as his own work.

Section 242. For the purpose of incorporating the amendment to section 481.325, Florida Statutes, in a reference thereto, subsection (6) of section 481.311, Florida Statutes, is reenacted to read:

481.311 Licensure.—

(6) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.325.

Section 243. Subsection (1) of section 483.807, Florida Statutes, is amended to read:

483.807 Fees; establishment; disposition.—

(1) The board, by rule, shall establish fees to be paid for application, examination, reexamination, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The board may also establish, by rule, a ~~delinquency fee late renewal penalty~~. The board shall establish fees ~~that which~~ are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department in carrying out its licensure and other related responsibilities under this part. Fees shall be based on departmental estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of clinical laboratory personnel.

Section 244. Subsections (3) and (4) of section 483.817, Florida Statutes, as created by chapter 92-58, Laws of Florida, are hereby repealed.

Section 245. Section 483.819, Florida Statutes, is amended to read:

483.819 Inactive status.—

(1) A licensee may request that his license be placed in an inactive status by making application to the department and paying a fee in an amount set by the board.

~~(2) A licensee which has been inactive for less than 1 year after the end of the biennium prescribed by the board may be renewed pursuant to s. 483.817 upon payment of the late renewal penalty. The renewed license shall expire 2 years after the date the license automatically reverted to inactive status.~~

~~(2)(3)~~ A license ~~that which~~ has been inactive for more than 1 year may be reactivated upon application to the department. The board shall prescribe, by rule, continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license may not exceed 15 classroom hours for each year the license was inactive and in no event may exceed 65 classroom hours for all years in which the license was inactive.

~~(4) Any license which is inactive for more than 5 years shall be automatically suspended. One year prior to the suspension, the department shall give notice to the licensee. The board shall establish requirements for reinstatement of a suspended license, which may include a requirement for reexamination.~~

Section 246. Subsections (3), (4), (5), and (6) of section 484.008, Florida Statutes, are amended to read:

484.008 Renewal of license.—

~~(3) Any license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such license may be reactivated only if the licensee meets the other qualifications for the reactivation in s. 484.009.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

~~(3)(5)~~ The board may by rule prescribe continuing education, not to exceed 20 hours biennially, as a condition for renewal of a license or certificate. The criteria for such programs or courses shall be approved by the board. All education programs which contribute to the advancement, extension, or enhancement of professional skills and knowledge, whether conducted by a nonprofit or a profitmaking entity, are eligible for approval. The board may establish by rule an application fee not to exceed \$200 for anyone seeking approval to provide continuing education courses and may provide by rule for a fee not to exceed \$200 for renewal of providership.

~~(4)(6)~~ The board may excuse any licensee or group of licensees from the continuing education requirement, until the licensee or group of licensees is capable of fulfilling the continuing education requirement, if an unusual circumstance, emergency, or hardship prevented the licensee or group of licensees from complying with such requirement.

Section 247. Subsection (1) of section 484.009, Florida Statutes, is amended to read:

484.009 Inactive status.—

(1) A license ~~that which~~ has become inactive may be reactivated ~~under pursuant to s. 484.008~~ upon application to the department. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license ~~may shall~~ not exceed 12 classroom hours for each year the license was inactive. ~~Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for renewal of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the license, the department shall give notice to the licensee.~~

Section 248. Subsection (1) of section 484.014, Florida Statutes, is amended to read:

484.014 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for both disciplinary action against an optician as set forth in this section and cease and desist ~~or other related~~ action by the department as set forth in s. 455.228 against any person operating an optical establishment who engages in, aids, or abets any such violation:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

(g) Violation or repeated violation of this part or of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, or inactive, or *delinquent* license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.012.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(o) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) ~~Being convicted or Having been found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, of a crime which relates to the ability to practice opticianry or to the practice of opticianry. A plea of nolo contendere is the same as a finding of guilt.~~

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of opticianry with reasonable skill and safety to his customers.

Section 249. Subsections (3), (4), (5), and (6) of section 484.047, Florida Statutes, are amended to read:

484.047 Renewal of license.—

~~(3) Any active license which is not renewed at the end of the biennium as prescribed by the department shall automatically expire and, unless reinstated within 12 months, become null and void. Any license which has not been renewed at the end of the biennium, and has automatically expired, may be reinstated within 12 months thereafter upon payment of the current renewal fee and a late fee set by rule of the board not to exceed \$100. The board shall notify by certified mail to the last address of record of the licensee at least 60 days prior to the end of the 12-month reinstatement period those licensees who have not renewed their licenses that they may have their expired licenses reinstated. Any expired license which has not been reinstated within such 12-month period shall become null and void without any further action by the board or the department.~~

~~(4) Sixty days prior to the automatic placing of a license on expired status, the department shall send notice by mail to the last known address of the licensee.~~

(3)(5) A licensee shall notify the board in writing of any change of address.

(4)(6) The board may ~~adopt promulgate~~ rules to require no more than 30 approved hours of mandatory continuing education for the renewal of a hearing aid specialist's license.

Section 250. Subsections (6) and (7) of section 484.0501, Florida Statutes, are amended to read:

484.0501 Minimal procedures and equipment.—

(6) Each audiometric test conducted by a licensee or authorized trainee in the fitting and selling of hearing aids shall be made in a testing room that has been certified by the department, or by an agent approved by the department, not to exceed the following sound pressure levels at the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement shall be made in the case of a client who requests that the test be conducted in a place other than the licensee's certified testing room. When a test is conducted under this exception, the licensee shall obtain a waiver from the client on a form provided by the department. The executed waiver shall be attached to the client's copy of the contract, and a copy of the executed waiver shall be retained in the licensee's file.

(7) The board shall have the power to prescribe the minimum procedures and equipment which shall be used *in the conducting of hearing assessments and* in the fitting and selling of hearing aids, including equipment that will measure the hearing aid's response curves to *ensure* assure that they meet the manufacturer's specifications. These procedures and equipment may differ from those provided in this section in order to take full advantage of devices and equipment which may hereafter become available and which are demonstrated to be of greater efficiency and accuracy. The board shall adopt and enforce rules necessary to carry out the provisions of this subsection *and subsection (6)*.

~~(8)(7)~~ Any duly authorized officer or employee of the department shall have the right to make such inspections and investigations as are necessary in order to determine the state of compliance with the provisions of this section and the applicable rules and may enter the premises of a licensee and inspect the records of same upon reasonable belief that a violation of this law is being or has been committed or that the licensee has failed or is failing to comply with the provisions of this act.

Section 251. Subsection (1) of section 484.053, Florida Statutes, is amended to read:

484.053 Prohibitions; penalties.—

(1) ~~A No person may not shall:~~

(a) Practice dispensing hearing aids unless the person is a licensed hearing aid specialist;

(b) Use the name or title "hearing aid specialist" when the person has not been licensed *under pursuant to* this part;

(c) Present as his own the license of another;

(d) Give false, incomplete, or forged evidence to the board or a member thereof for the purposes of obtaining a license;

(e) Use or attempt to use a hearing aid specialist license *that which* has been suspended, revoked, or placed on inactive *or delinquent* status;

(f) Knowingly employ unlicensed persons in the practice of dispensing hearing aids; or

(g) Knowingly conceal information relative to violations of this part.

Section 252. Subsection (1) of section 484.056, Florida Statutes, is amended to read:

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist *or other related* action by the department as set forth in s. 455.228 against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. 484.053 or s. 455.227(1).

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids. ~~For the purposes of this paragraph, a plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges.~~

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

(h) Violation or repeated violation of this part or of chapter 455, or any rules promulgated pursuant thereto.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(j) Practicing with a revoked, suspended, or inactive, or delinquent license.

(k) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(l) Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.

(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(p) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made" or in any other sense specially fabricated for an individual person when such is not the case.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(v) Failing to provide all information as described in s. 484.051(1).

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

Section 253. Subsections (3), (4), and (5) of section 486.085, Florida Statutes, are amended to read:

486.085 Physical therapist; renewal of license; inactive status; reactivation of license; fees.—

~~(3)(a) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status.~~

~~(b) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

~~(c) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

(3)(4) A license that which has become inactive may be reactivated upon application to the department and completion of the requirements for reactivation under pursuant to this section. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license may shall not exceed 10 classroom hours for each year the license was inactive.

(4)(5)(a) The board shall adopt promulgate rules relating to application procedures for inactive status, for the renewal of inactive licenses, and for the reactivation of licenses. The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a delinquency fee, and a fee for the reactivation of a license. None Each of these fees may exceed shall be the same as the biennial renewal fee established by the board for an active license.

(b) The department may shall not reactivate a license unless the inactive or delinquent licensee has paid an inactive application fee, any applicable biennial renewal or delinquency fee, or both, and a reactivation fee.

(c) The department may shall not reactivate a license unless the inactive licensee has met the continuing education requirements of subsection (3) (4) or has fulfilled one of the following requirements for reactivation of a license:

1. Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in good standing in another state for the 4 years immediately preceding the filing of an application for reactivation; or

2. Makes application for and passes the examination as provided by s. 486.051 and pays the fee therefor as provided in s. 486.041.

Section 254. Subsections (3), (4), and (5) of section 486.108, Florida Statutes, are amended to read:

486.108 Physical therapist assistant; renewal of license; inactive status; reactivation of license; fees.—

~~(3)(a) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status.~~

~~(b) Sixty days prior to the end of the biennium and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

~~(c) Any such license which has been inactive for more than 4 years shall automatically expire if the licensee has not made application for reactivation of such license. Once a license expires, it becomes null and void without any further action by the board or department. One year prior to expiration of the inactive license, the department shall give notice to the licensee at the licensee's last address of record.~~

(3)(4) A license that which has become inactive may be reactivated upon application to the department and completion of the requirements

for reactivation ~~under pursuant to~~ this section. The board shall prescribe by rule continuing education requirements as a condition of reactivating a license. The continuing education requirements for reactivating a license ~~may shall~~ not exceed 10 classroom hours for each year the license was inactive.

(4)(5)(a) ~~The board shall promulgate rules relating to application procedures for inactive status, the renewal of inactive licenses, and for the reactivation of licenses.~~ The board shall prescribe by rule an application fee for inactive status, a renewal fee for inactive status, a ~~delinquency fee~~, and a fee for the reactivation of a license. ~~None Each~~ of these fees ~~may exceed shall be the same as~~ the biennial renewal fee established by the board for an active license.

(b) The department ~~may shall~~ not reactivate a license unless the inactive or ~~delinquent~~ licensee has paid ~~an inactive application fee~~, any applicable biennial renewal or ~~delinquency fee~~, or ~~both~~, and a reactivation fee.

(c) The department ~~may shall~~ not reactivate a license unless the inactive licensee has met the continuing education requirements of subsection (3) (4) or has fulfilled one of the following requirements for reactivation of a license:

1. Provides evidence satisfactory to the board that he has actively engaged in the practice of physical therapy in good standing in another state for the 4 years immediately preceding the filing of an application for reinstatement; or

2. Makes application for and passes the examination as provided by s. 486.104 and pays the fee therefor as provided in s. 486.103.

Section 255. Effective upon this act becoming a law, subsection (5) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(5) Public utilities, including telecommunications companies as defined in s. 364.02(7), *natural gas transmission companies as defined in s. 368.103(4)*, and *special gas districts as defined in chapter 189*, on construction, maintenance, and development work performed by their employees, which work, including, but not limited to, work on bridges, roads, streets, highways, or railroads, is incidental to their business. The board shall define, by rule, the term "incidental to their business" for purposes of this subsection.

Section 256. Effective upon this act becoming a law, the introductory paragraph and paragraph (n) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. *For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall.* Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(n) "Underground utility and excavation contractor" means a contractor whose services are limited to the construction, installation, and repair, on public or private property, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. *However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-*

way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021(7) beginning at the point where the piping is used exclusively for such system.

Section 257. Effective upon this act becoming a law, paragraph (b) of subsection (4) of section 489.107, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

489.107 Construction Industry Licensing Board.—

(4) The board shall be divided into two divisions, Division I and Division II.

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the examination and regulation of contractors defined in s. 489.105(3)(d)-(p)(e)-(r).

(c) *Jurisdiction for the examination and regulation of specialty contractors defined in s. 489.105(3)(q) shall lie with the division having jurisdiction over the scope of work of the specialty contractor as defined by board rule*

Section 258. Effective upon this act becoming a law, section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(1) The board, by rule, shall establish reasonable fees to be paid for applications, examination, certification and renewal, registration and renewal, and recordmaking and recordkeeping. The fees shall be established as follows:

(a) With respect to an applicant for a certificate, the initial application and examination fee ~~may shall~~ not exceed \$350, and the initial certification fee and the renewal fee ~~may shall~~ not exceed \$200.; However, any applicant who seeks certification under this part by taking a practical examination ~~must shall~~ pay as an examination fee the actual cost incurred by the department in conducting the examination.

(b) With respect to an applicant for registration, the initial application fee ~~may shall~~ not exceed \$100, and the initial registration fee and the renewal fee ~~may shall~~ not exceed \$200.

(c) The board, by rule, may establish ~~delinquency penalty~~ fees, not to exceed the applicable renewal fee for renewal applications made after the expiration date of the certificate or registration.

(d) The board, by rule, may establish a fee for transfer of a certificate or registration from one business organization to another, not to exceed the applicable renewal fee.

(e) The board, by rule, shall impose a renewal fee for an inactive status certificate or registration, not to exceed the renewal fee for an active status certificate or registration. *Neither the inactive certification fee nor the inactive registration fee may exceed \$50.* The board, by rule, may provide for a different fee for ~~voluntary~~ inactive status where such status is sought by a building code administrator, *plans examiner*, or inspector certified pursuant to part XIII of chapter 468 who is employed by a local government and is not allowed by the terms of such employment to maintain a certificate on active status issued pursuant to this part.

(f) The board, by rule, shall impose an additional late fee on a delinquent status certificateholder or registrant when such certificateholder or registrant applies for active or inactive status.

(g) The board, by rule, shall impose an additional fee, not to exceed the applicable renewal fee, which reasonably reflects the costs of processing a certificateholder's or registrant's request to change licensure status at any time other than at the beginning of a licensure cycle.

(2) The board shall establish fees ~~that which~~ are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of the construction industry.

(3) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants ~~must shall~~ pay a fee of \$4 to the department at the time of application or renewal. The funds ~~must shall~~ be transferred at the end of each licensing period to the Department of Education to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of Education on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Education. The Department of Education ~~must shall~~ allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. The Department of Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of Education shall ~~cause a report to be made to the board in~~ October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 259. Effective upon this act becoming a law, paragraph (b) of subsection (4) of section 489.115, Florida Statutes, as amended by chapter 93-415, Laws of Florida, is amended to read:

489.115 Certification and registration; endorsement; renewals; continuing education.—

(4)

(b)1. Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation and workplace safety. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

2. *In addition, the board may approve specialized continuing education courses on compliance with the wind resistance provisions for one and two family dwellings contained in the State Minimum Building Codes and any alternate methodologies for providing such wind resistance which have been approved for use by the Board of Building Codes and Standards. Division I certificateholders or registrants who demonstrate proficiency upon completion of such specialized courses may certify plans and specifications for one and two family dwellings to be in compliance with the code or alternate methodologies, as appropriate, except for dwellings located in floodways or coastal hazard areas as defined in sections 60.3D and E of the National Flood Insurance Program.*

Section 260. Effective upon this act becoming a law, subsection (15) is added to section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(15) *Certifications by contractors authorized under the provisions of s. 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 or chapter 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the board for one and two family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapters 471, 481, or 489.*

Section 261. Effective upon this act becoming a law, subsection (4) of section 489.116, Florida Statutes, is amended to read:

489.116 Inactive and delinquent status; renewal and cancellation notices.—

(4) A certificateholder or registrant shall apply with a completed application, as determined by board rule, to renew an active or inactive status certificate or registration before the certificate or registration expires. Failure of a certificateholder or registrant to so apply shall cause the certificate or registration to become a ~~delinquent an involuntary inactive~~ certificate or registration. Further, any ~~delinquent~~ certificateholder or registrant who fails to apply to renew licensure on either active or inactive status ~~before within 60 days after the expiration of the current previous~~ licensure cycle ~~must reapply in the same manner as an applicant for initial certification or registration shall become a delinquent status certificateholder or registrant.~~

Section 262. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(1)(a) Any person engaged in the business of a contractor in the state shall be registered in the proper classification, unless he is certified. Any person entering the business of a contractor shall be registered prior to engaging in business as a contractor, unless he is certified. To be initially registered, the applicant shall submit the required fee and file evidence, in a form provided by the department, of holding a current local occupational license ~~required~~ issued by any municipality, county, or development district, ~~if any~~, for the type of work for which registration is desired and evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. No examination shall be required for registration.

Section 263. Effective upon this act becoming a law, paragraph (d) of subsection (2) and paragraph (c) of subsection (3) of section 489.119, Florida Statutes, are amended to read:

489.119 Business organizations; qualifying agents.—

(2) If the applicant proposes to engage in contracting as a business organization, including any partnership, corporation, business trust, or other legal entity, or in any name other than his legal name, the business organization must apply for certification or registration through a qualifying agent, or the individual applicant must apply for certification or registration under the fictitious name.

(d) The registration or certification, when issued upon application of a business organization, must be in the name of the business organization; ~~and the name of the qualifying agent must be noted thereon.~~ If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(3)

(c) Upon a favorable determination by the board, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without an examination, a new certificate or registration in the business organization's name, ~~and the name of the qualifying agent shall be noted thereon.~~

Section 264. Effective upon this act becoming a law, subsections (1), (2), and (3) of section 489.127, Florida Statutes, are amended to read:

489.127 Prohibitions; penalties.—

(1) No person shall:

(a) Falsely hold himself or a business organization out as a licensee, certificateholder, or registrant;

(b) Falsely impersonate a certificateholder or registrant;

(c) Present as his own the certificate or registration of another;

(d) ~~Knowingly~~ give false or forged evidence to the board or a member thereof ~~for the purpose of obtaining a certificate or registration;~~

(e) Use or attempt to use a certificate or registration which has been suspended or revoked;

(f) Engage in the business or act in the capacity of a contractor or advertise himself or a business organization as available to engage in the business or act in the capacity of a contractor without being duly registered or certified;

(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent, *except as provided in ss. 489.119 and 489.1195*;

(h) Commence or perform work for which a building permit is required pursuant to an adopted state minimum building code without such building permit being in effect; or

(i) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

For purposes of this subsection, a person or business organization operating on an inactive or suspended certificate or registration, or operating beyond the scope of work or geographical scope of the registration is not duly certified or registered.

(2)(a) Any unlicensed person who violates any of the provisions of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any unlicensed person who commits a violation of subsection (1) after having been previously found guilty of such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any unlicensed person who commits a violation of subsection (1) during the existence of a state of emergency declared by executive order of the Governor commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(d) Any person who operates as a pollutant storage systems contractor, precision tank tester, or internal pollutant storage tank lining applicator in violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

The remedies set forth in this subsection are not exclusive and may be imposed in addition to the remedies set forth in s. 489.129(2).

(3) The department may issue a stop-work order for all unlicensed work on a project upon finding probable cause to believe that construction work which requires certification or registration is being performed without a current valid certificate or registration. Stop-work orders may be enforced using *any cease and desist or other related action by the department as the procedures and remedies set forth in s. 455.228.*

Section 265. Effective upon this act becoming a law, paragraph (c) of subsection (7) of section 489.131, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

489.131 Applicability.—

(7)

(c) The department, the disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Construction Industry Licensing Board. A challenge shall be filed within 60 ~~30~~ days after of the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(12) Unless specifically provided, the provisions of this part shall not be construed to create a civil cause of action.

Section 266. Effective upon this act becoming a law, subsection (2) of section 489.141, Florida Statutes, is amended to read:

489.141 Conditions for recovery; eligibility.—

(2) A person is not qualified to make a claim for recovery from the Construction Industries Recovery Fund, if:

(a) The claimant is the spouse of the judgment debtor or a personal representative of such spouse;

(b) The claimant is a certificateholder or registrant who acted as the contractor in the transaction which is the subject of the claim;

(c) Such person's claim is based upon a construction contract in which the certificateholder or registrant was acting with respect to the property owned or controlled by the certificateholder or registrant;

(d) Such person's claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract; or

(e) Such person was associated in a business relationship with the certificateholder or registrant other than the contract at issue.

(f) Such person has suffered damages as the result of making improper payments to a contractor as defined in chapter 713, part I.

Section 267. Subsection (6) of section 489.143, Florida Statutes, is hereby repealed.

Section 268. There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation the sum of \$1,200,000 to be used for payment of claims from the Construction Industries Recovery Fund as provided in ss. 489.140-489.144.

Section 269. Effective upon this act becoming a law, section 489.501, Florida Statutes, is amended to read:

489.501 Purpose.—The Legislature finds that electrical contracting and alarm system contracting are important services and potentially dangerous if not properly provided and, therefore, deems it necessary in the interest of public health, safety, and welfare to regulate the electrical and alarm system contractors in this state. *This regulation seeks to enable qualified persons to obtain licensure, while ensuring that applicants have sufficient technical experience in the applicable trade prior to licensure, are tested on technical and business matters, and upon licensure are made subject to disciplinary procedures and effective policing of the profession.*

Section 270. Effective upon this act becoming a law, subsection (15) of section 489.503, Florida Statutes, is amended to read:

489.503 Exemptions.—This part does not apply to:

(15) The installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof, when those items are for the purpose of transmitting data, voice communications, or commands as part of:

(a) A system of telecommunications, including computers, telephone customer premises equipment, or premises wiring; or

(b) A community antenna television or radio distribution system.

The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, ~~current 1987~~ edition, or 47 C.F.R. part 68. *Additionally, a company certified under chapter 364 is not subject to any local ordinance that requires a permit for work performed by its employees related to low voltage electrical work, including related technical codes and regulations. This exemption shall apply only if such work is requested by the company's customer, is required in order to complete phone service, is incidental to provision of telecommunication service as required by chapter 364, and is not actively competitive in nature or the subject of a competitive bid. The definition of "employee" established in s. 489.503(1) applies to this exemption and does not include subcontractors.*

Section 271. Effective upon this act becoming a law, subsections (2), (7), (19), (21), (22), and (23) of section 489.505, Florida Statutes, are amended to read:

489.505 Definitions.—As used in this part:

(2) "Alarm system contractor" means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, *including, but not limited to, all types of alarm systems for all purposes.*

(a) "Alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes.

(b) "Alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes, except as herein provided.

(7) "Certified alarm system contractor" means an alarm system contractor who possesses a certificate of competency issued by the department. *The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800, and 810 of the National Electrical Code, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks; however, this provision governing the scope of certification does not create any mandatory licensure requirement.*

(19) "Specialty contractor" means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, installation and maintenance of elevators, and fabrication, erection, installation, and maintenance of electrical outdoor advertising signs together with the interrelated parts and supports thereof. Categories of specialty contractor shall be established by board rule.

(21) "Registered alarm system contractor I" means an alarm system contractor whose business includes all types of alarm systems for all purposes and who ~~is has~~ registered with the department pursuant to s. 489.513 or s. 489.537(8); ~~or has registered pursuant to fulfilling the local competency requirements, including a written or oral examination designed to test skills and knowledge relevant to the technical performance of the profession, in the jurisdiction for which the registration is issued.~~ A registered alarm system contractor I may contract only in the jurisdictions for which his registration is issued.

(22) "Registered alarm system contractor II" means an alarm system contractor whose business includes all types of alarm systems, other than fire, for all purposes and who ~~is has~~ registered with the department pursuant to s. 489.513 or s. 489.537(8); ~~or has registered pursuant to fulfilling the competency requirements, including a written or oral examination designed to test skills and knowledge relevant to the technical performance of the profession, in the jurisdiction for which the registration is issued.~~ A registered alarm system contractor II may contract only in the jurisdiction for which his registration is issued.

(23) "Registered residential alarm system contractor" means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes and to fire alarm systems of a residential occupancy class ~~and~~; who is registered with the department pursuant to s. 489.513 or s. 489.537(8); ~~or has registered pursuant to fulfilling the local competency requirements, including a written or oral examination designed to test skills and knowledge relevant to the technical performance of the profession.~~ The board shall define "residential occupancy class" by rule. A registered residential alarm system contractor may contract only in the jurisdiction for which his registration is issued.

(24) "Limited burglar alarm system contractor" means an alarm system contractor whose business is limited to the installation of burglar alarms in single-family homes and two-family homes, mobile homes, and small commercial buildings having a square footage of not more than 5,000 square feet and who is registered with the department pursuant to s. 489.513 or s. 489.537(8).

Section 272. Effective upon this act becoming a law, section 489.509, Florida Statutes, is amended to read:

489.509 Fees.—

(1) The board, by rule, shall establish fees to be paid for applications, examination, reexamination, transfers, licensing and renewal, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount ~~that which~~ covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is ~~shall be~~ nonrefundable. The fee for initial application and examination for certification of electrical

contractors ~~may shall~~ not exceed \$400. The initial application fee for registration ~~may shall~~ not exceed \$150. The biennial renewal fee ~~may shall~~ not exceed \$400 for certificateholders and \$200 for registrants, and shall be paid by June 30 of each biennial period. The fee for initial application and examination for certification of alarm system contractors ~~may shall~~ not exceed \$400. The biennial renewal fee for certified alarm system contractors ~~may shall~~ not exceed \$450. The board may establish a fee for a temporary certificate as an alarm system contractor not to exceed \$75. The board may also establish by rule a ~~delinquency late renewal penalty~~ fee not to exceed \$50. Failure to renew an active or ~~voluntary~~ inactive certificate or registration within 90 days after the date of renewal will result in the certificate or registration becoming ~~delinquent involuntarily inactive~~. The fee to transfer a certificate or registration from one business organization to another ~~may shall~~ not exceed \$200. The fee for reactivation of an inactive license ~~may shall~~ not exceed \$50. The board shall establish fees ~~that which~~ are adequate to ensure the continued operation of the board. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of electrical contractors and alarm system contractors.

(2) A person who is registered or holds a valid certificate from the board may go on ~~voluntary~~ inactive status during which time he shall not engage in contracting, but may retain his certificate or registration on an inactive basis, on payment of a renewal fee during the inactive period, not to exceed \$50 per renewal period.

Section 273. Effective upon this act becoming a law, subsections (2), (5), and (6) of section 489.511, Florida Statutes, are amended to read:

489.511 Certification; application; examinations; endorsement.—

(2)(a) A person shall be entitled to take the certification examination for the purpose of determining whether he is qualified to engage in contracting throughout the state as a contractor if the person:

1.(a) Is at least 18 years of age;

2.(b) Is of good moral character; and

3.(c) Meets eligibility requirements according to one of the following criteria:

a.1. Has, *within the 6 years immediately preceding the filing of the application*, at least 3 years' proven management ~~or supervisory~~ experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent;

b. Has, *within the 8 years immediately preceding the filing of the application*, at least 4 years' experience as a foreman, supervisor, or contractor in the trade for which he is making application;

c.2. Has, *within the 12 years immediately preceding the filing of the application*, at least 6 years of comprehensive, ~~specialized~~ training, technical education, or broad experience associated with an electrical or alarm system installation or servicing endeavor ~~contracting business~~; or

d.3. Has been licensed for 3 years as an engineer.

(b) For purposes of this subsection, "supervisor" means a person having the experience gained while having the general duty of overseeing the technical duties of the trade, provided that such experience is gained by a person who is able to perform the technical duties of the trade without supervision.

(5)(a) The board shall, by rule, designate those types of specialty electrical or alarm system contractors who may be certified under this part.

(b) The limit of the scope of work and responsibility of a certified specialty contractor shall be established by the board by rule. *However, a certified specialty contractor category exists as a voluntary statewide licensing category and does not create a mandatory licensing requirement. Any mandatory statewide electrical or alarm system contracting licensure requirement may only be established through specific statutory provision.*

(b)(e) For those specialty electrical or alarm system contractors applying for certification under this part who work in jurisdictions that do not require local licensure for those activities for which the applicant desires to be certified, the experience requirement may be met by demonstrating at least 6 years of comprehensive, ~~specialized~~ training, technical

education, or *broad* experience in the type of specialty electrical or alarm system work for which certification is desired. An affidavit signed by the applicant's employer stating that the applicant performed the work required under this paragraph shall be sufficient to demonstrate to the board that the applicant has met the experience requirement.

(6) The board shall certify as qualified for certification by endorsement any individual applying for certification who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; or

(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.

Section 274. Effective upon this act becoming a law, section 489.513, Florida Statutes, is amended to read:

489.513 Registration; application; requirements.—

(1) *Any person engaged in the business of contracting in the state shall be registered in the proper classification, unless he is certified. Any person desiring to be a registered contractor shall apply to the department for registration.*

(2) Any contractor may be registered to contract in the area specified in such registration if the contractor is qualified as provided in this section.

~~(3)(a) All persons contracting in the state shall be registered with the department unless they are certified. To be registered as an electrical contractor, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, together with evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired, accompanied by the registration fee fixed pursuant to this part. The name or names of the business organization that the registrant is qualifying shall be listed on the registration issued by the department. No state-level examination may be required for registration as an electrical contractor except for any examination required by a local government to obtain the local licensure.~~

(b) To be registered as an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current occupational license or a current license issued by any municipality or county of the state for the type of work for which registration is desired, on a form provided by the department, if such a license is required by that municipality or county, together with evidence of having passed an appropriate local examination, written or oral, designed to test skills and knowledge relevant to the technical performance of the profession, accompanied by the registration fee fixed pursuant to this part. For any person working or wishing to work in any local jurisdiction which does not issue a local license as an alarm system contractor or does not require an examination for its license, the applicant may apply and shall be considered qualified to be issued a registration in the appropriate alarm system category, provided that he shows that he has scored at least 75 percent on an examination which is substantially equivalent to the examination approved by the board for certification in the category and that he has had at least 3 years' technical experience in the trade. The requirement to take and pass an examination in order to obtain a registration shall not apply to persons making application prior to the effective date of this act.

(4) The name or names of the business organization that the registrant is qualifying shall be listed on the registration issued by the department.

(5)(4) Registration permits the registrant to engage in contracting only in the area and for the type of work covered by the registration, unless local licenses are issued for other areas and types of work or unless certification is obtained. When a registrant desires to register in an additional area of the state, he shall first comply with any local requirements of that area and then file a request with the department, together with

evidence of holding a current occupational license or license issued by the county or municipality for the area or areas in which he desires to be registered, whereupon his evidence of registration shall be endorsed by the department to reflect valid registration for the new area or areas.

Section 275. Effective upon this act becoming a law, paragraph (b) of subsection (1) and subsection (3) of section 489.515, Florida Statutes, are amended, and subsections (2) and (4) are reenacted, to read:

489.515 Issuance of certificates; registrations.—

(1)

(b) The board shall certify as qualified for certification any person who satisfies the requirements of s. 489.511, who successfully passes the certification examination administered by the department, achieving a passing grade as established by board rule, and who submits satisfactory evidence that he has obtained *both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the board, and furnishes evidence of financial responsibility, credit, and business reputation of either himself or the business organization he desires to qualify.*

(2) The department shall issue a registration to a person who is in compliance with the provisions of s. 489.513 or s. 489.537(8) and who the board certifies is qualified to be registered.

(3) As a prerequisite to the initial issuance or the renewal of a certificate or registration, the applicant shall submit an affidavit on a form provided by the board attesting to the fact that the applicant has obtained *both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance for the health, safety, and welfare of the public in amounts determined by rule of the board. The board shall by rule establish a procedure to verify the accuracy of such affidavits based upon a random audit method.*

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 489.533.

Section 276. Effective upon this act becoming a law, subsection (4) is added to section 489.516, Florida Statutes, to read:

489.516 Qualifications to practice; restrictions; prerequisites.—

(4) A county or municipality may suspend or deny a locally issued permit when the local building official, tax collector, or other authorized person determines that the contractor has failed to obtain both workers' compensation insurance or an acceptable exemption certificate issued by the department and public liability and property damage insurance in the amounts determined by rule of the board.

Section 277. Effective upon this act becoming a law, section 489.517, Florida Statutes, is amended to read:

489.517 Renewal of certificate or registration; continuing education.—

(1) The department shall renew a certificate or registration upon receipt of the renewal application and fee and proof of meeting all continuing education requirements.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of certificates and registrations.

(3) Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

~~(3) Any certificate or registration which is not renewed at the end of the biennium prescribed by the department shall automatically revert to an inactive status. Such certificate or registration may be reactivated only if the certificateholder or registrant meets the other qualifications for reactivation in s. 489.519.~~

~~(4) Sixty days prior to the end of the biennium and automatic reversion of a certificate or registration to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the certificateholder or registrant.~~

Section 278. Effective upon this act becoming a law, section 489.519, Florida Statutes, is amended to read:

489.519 Inactive status.—

(1) A certificate or registration ~~that which~~ has become inactive may be reactivated ~~under pursuant to~~ s. 489.517 upon application to the department. The board may prescribe, by rule, continuing education requirements as a condition of reactivating a certificate or registration. The continuing education requirements for reactivating a certificate or registration ~~may shall~~ not exceed 12 classroom hours for each year the certificate or registration was inactive ~~and in no event shall they exceed 48 classroom hours for all years in which the certificate or registration was inactive. Any certificate or registration which has been inactive for more than 4 years shall automatically expire. Once a certificate or registration expires, it becomes null and void without any further action by the board or department. One year prior to the expiration, the department shall give notice to the certificateholder or registrant.~~

(2) *The board shall impose, by rule, continuing education requirements for voluntary inactive certificateholders, when voluntary inactive status is sought by certificateholders who are also building code administrators, plans examiners, or inspectors certified pursuant to part XIII of chapter 468.*

Section 279. Effective upon this act becoming a law, section 489.520, Florida Statutes, is created to read:

489.520 Automated licensure status information system.—By January 1, 1995, the department shall implement an automated licensure status information system for electrical and alarm system contracting. The system shall provide instant notification to local building departments and other interested parties, as determined by the board or department, regarding the status of the certification or registration of any contractor certified or registered pursuant to the provisions of this part. The provision of such information shall consist, at a minimum, of an indication of whether the certification or registration of the contractor applying for a permit is active, of any current failure of the contractor to make restitution according to the terms of any final action by the board, of any ongoing disciplinary cases against the contractor that are subject to public disclosure, and whether there are any outstanding fines against the contractor.

Section 280. Effective upon this act becoming a law, subsection (2) of section 489.521, Florida Statutes, is amended, and subsection (9) is reenacted, to read:

489.521 Business organizations; qualifying agents.—

(2)(a)1. If the applicant proposing to engage in contracting is a partnership, corporation, business trust, or other legal entity, other than a sole proprietorship, the application shall state the name of the partnership and its partners; the name of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or director; the name of the business trust and its trustees; or the name of such other legal entity and its members. In addition, the applicant shall furnish evidence of statutory compliance if a fictitious name is used. Such application shall also show that the qualifying agent is legally qualified to act for the business organization in all matters connected with its electrical or alarm system contracting business and that he has authority to supervise electrical or alarm system contracting undertaken by such business organization. A joint venture, including a joint venture composed of qualified business organizations, is itself a separate and distinct organization that shall be qualified in accordance with board rules. The registration or certification when issued upon application of a business organization shall be in the name of the qualifying agent, and the name of the business organization shall be noted thereon. If there is a change in any information that is required to be stated on the application, the business organization shall, within 45 days after such change occurs, mail the correct information to the department.

2. Any person certified or registered pursuant to this part who has had his license revoked shall not be eligible for a 5-year period to be a partner, officer, director, or trustee of a business organization as defined by this section. Such person shall also be ineligible to reapply for certification or registration under this part for a period of 5 years.

(b) The application shall also show that the proposed qualifying agent is legally qualified to act for the business organization in matters connected with its contracting business and concerning regulations by the board and that he has authority to supervise work undertaken by the business organization.

(c) The proposed qualifying agent shall demonstrate that he possesses the required skill, knowledge, and experience to qualify the business organization in the following manner:

1. Having met the qualifications provided in s. 489.511 and been issued a certificate of competency pursuant to the provisions of s. 489.511; or

2. Having demonstrated that he possesses the required experience and education requirements provided in s. 489.511 which would qualify him as eligible to take the certification examination.

(9) If a business organization or any of its partners, officers, directors, trustees, or members is disciplined for violating s. 489.533(1), the board may, on that basis alone, deny issuance of a certificate or registration to a qualifying agent on behalf of that business organization.

Section 281. Effective upon this act becoming a law, paragraph (c) is added to subsection (2) of section 489.522, Florida Statutes, to read:

489.522 Qualifying agents; responsibilities.—

(2) One of the qualifying agents for a business organization that has more than one qualifying agent may be designated as the sole primary qualifying agent for the business organization by a joint agreement that is executed, on a form provided by the board, by all qualifying agents for the business organization. The joint agreement shall be submitted to the board for approval. If the board determines that the joint agreement is in good order, it shall approve the designation and immediately notify the qualifying agents of such approval. The designation made by the joint agreement is effective upon receipt of the notice by the qualifying agents. The qualifying agent designated for a business organization by a joint agreement is the sole primary qualifying agent for the business organization, and all other qualifying agents for the business organization are secondary qualifying agents.

(c) *A primary qualifying agent shall have approval authority for checks, payments, drafts, and contracts issued by or entered into by the business organization.*

Section 282. Effective upon this act becoming a law, subsection (1) and paragraph (c) of subsection (5) of section 489.531, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

489.531 Prohibitions; penalties.—

(1) ~~A No person may not shall:~~

(a) Practice contracting unless the person is certified or registered;

(b) Use the name or title "electrical contractor" or "alarm system contractor" or words to that effect, or advertise himself or a business organization as available to practice electrical or alarm system contracting, when the person is not then the holder of a valid certification or registration issued pursuant to this part;

(c) Present as his own the certificate or registration of another;

(d) Use or attempt to use a certificate or registration ~~that which~~ has been suspended, revoked, or placed on inactive or delinquent status;

(e) Employ persons who are not certified or registered to practice contracting;

(f) *Knowingly* give false or forged evidence to the department, the board, or a member thereof ~~for the purpose of obtaining a certificate or registration;~~

(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent;

(h) Conceal information relative to violations of this part;

(i) Commence or perform work for which a building permit is required ~~under pursuant to~~ an adopted state minimum building code without the ~~such~~ building permit being in effect; or

(j) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

(5)

(c) The department, the disciplined contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Electrical Contractors' Licensing Board. A challenge shall be filed within 60 30 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(7) *The department may issue a stop-work order for all unlicensed work on a project upon finding probable cause to believe that electrical or alarm system work which requires certification or registration is being performed without a current, valid certificate or registration. Stop-work orders may be enforced using the procedure and remedies set forth in s. 455.228.*

Section 283. Effective upon this act becoming a law, paragraph (h) of subsection (1) and subsection (2) of section 489.533, Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

(h) Practicing on a revoked, suspended, or inactive, or delinquent certificate or registration.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(2) When the board finds any *applicant*, contractor, or business organization for which the contractor is a primary qualifying agent or secondary qualifying agent responsible under s. 489.522 guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

- (a) Denial of an application for certification or registration.
- (b) Revocation or suspension of a certificate or registration.
- (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
- (d) Issuance of a reprimand.
- (e) Placement of the contractor on probation for a period of time and subject to such conditions as the board may specify, including requiring the contractor to attend continuing education courses or to work under the supervision of another contractor.
- (f) Restriction of the authorized scope of practice by the contractor.

Section 284. Effective upon this act becoming a law, subsection (8) of section 489.537, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See s. 489.537(8), F.S., for present text.)

489.537 Application of this part.—

(8)(a) Any registered electrical contractor or any locally licensed alarm system contractor shall be issued the appropriate category of alarm system contractor registration, if the individual has filed with the board evidence that he has:

1. Successfully complied with local written or oral examination requirements for the current local license he holds, or, if no examination requirement exists in the local jurisdiction, has scored at least 75 percent on an examination which is substantially equivalent to the examination approved by the board for certification in the appropriate category.

2. Current liability insurance coverage to engage in the installation, monitoring, maintenance, servicing, or upgrading of alarm systems.

(b) Any person operating pursuant to the exemption formerly established in s. 489.503(11) shall be issued a registered alarm system contractor II registration as defined in s. 489.505, if the individual has filed evidence that he has been engaged in business as an alarm system contractor for at least 3 consecutive years prior to the time of making application and prior to October 1, 1994. Evidence of being engaged in business as an alarm system contractor shall be demonstrated by the submission of:

1. An electrical contractor's license, alarm system contractor's license, or occupational license for each of the 3 years he was engaged in alarm system contracting. The requirements in this subparagraph shall not apply when providing evidence of work in a local jurisdiction which does not require an occupational license for the work in question.

2. Proof that he has current liability insurance coverage to engage in the installation, monitoring, maintenance, servicing, or upgrading of alarm systems.

3. A representative list of alarm system work he completed during the 3 years he was engaged in alarm system contracting.

(c) An individual registered pursuant to this subsection may engage in alarm system contracting only in those jurisdictions where the individual's registered license is effective. Persons applying pursuant to this subsection shall apply to the board in writing, on forms provided by the department. To be licensed pursuant to this subsection, the applicant must make application prior to January 1, 1995.

Section 285. There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation the sum of \$74,097 and two FTE positions to implement the provisions of this act relating to alarm system contractors.

Section 286. Subsection (3) of section 490.007, Florida Statutes, is hereby repealed.

Section 287. Section 490.008, Florida Statutes, is amended to read:

490.008 Inactive status; ~~expiration~~; reactivation of license; fees.—

(1) ~~Voluntary~~ Inactive status is the licensure status ~~that~~ which results when a licensee has applied to be placed on inactive status and has paid a \$50 fee to the department.

(a) ~~An A-voluntarily~~ inactive license may be renewed biennially for \$50 per biennium.

(b) ~~An A-voluntarily~~ inactive license may be reactivated by submitting an application to the department, completing the continuing education requirements, complying with any background investigation required, complying with other requirements prescribed by the department or, in the case of a psychologist, the board, and paying a \$50 reactivation fee plus the current biennial renewal fee at the time of reactivation.

~~(c) Failure to renew a voluntarily inactive license at the time of biennial renewal shall result in the license reverting to involuntary inactive status.~~

~~(2) Involuntary inactive status is the licensure status which results when a license is not renewed by the end of the license renewal period.~~

~~(a) A license may be in involuntary inactive status for no more than two consecutive biennial periods. Failure to reactivate an involuntarily inactive license for two consecutive biennial periods shall result in the license becoming null and void without further action of the department or, in the case of a psychologist, the board. Two years prior to the date on which the license shall become null and void, the department shall give notice to the licensee.~~

~~(b) An involuntarily inactive license may be reactivated by submitting an application to the department, completing the continuing education requirements, complying with any background investigation required, complying with other requirements prescribed by the department or, in the case of a psychologist, the board, and paying a \$50 reactivation fee plus the current biennial renewal fee at the time of reactivation for each biennium in which the license was inactive.~~

~~(2)(3) The department or, in the case of psychologists, the board may adopt rules relating to inactive licenses and the reactivation of licenses.~~

~~(4) A licensee whose license has become null and void may reapply to the department or, in the case of a psychologist, the board, and the department or board, as applicable, may waive education and experience requirements, as provided by rule. Upon reapplication, however, the department or the board, as applicable, may require any additional current requirements for licensure, including reexamination.~~

~~(5) Each licensee in inactive status on October 1, 1989, shall receive one notice, at the time of commencement of his next biennial period, before his license shall become null and void.~~

Section 288. Subsection (3) of section 491.007, Florida Statutes, is hereby repealed.

Section 289. Section 491.008, Florida Statutes, is amended to read:

491.008 Inactive status; ~~expiration~~ reactivation of licenses; fees.—

(1) ~~Voluntary~~ Inactive status is the licensure status ~~that~~ which results when a licensee has applied to be placed on inactive status and has paid a \$50 fee to the department.

(a) ~~An A-voluntarily~~ inactive license may be renewed biennially for \$50 per biennium.

(b) ~~An A-voluntarily~~ inactive license may be reactivated by submitting an application to the department, completing the continuing education requirements, complying with any background investigation required, and paying a \$50 reactivation fee plus the current biennial renewal fee at the time of reactivation.

~~(c) Failure to renew a voluntarily inactive license at the time of biennial renewal shall result in the license reverting to involuntary inactive status.~~

~~(2) Involuntary inactive status is the licensure status which results when a license is not renewed by the end of the license renewal period.~~

~~(a) A license may be in involuntary inactive status for no more than two consecutive biennial periods. Failure to reactivate an involuntarily inactive license for two consecutive biennial periods shall result in the license becoming null and void without further action of the board. Two years prior to the date on which the license shall become null and void, the department shall give notice to the licensee.~~

~~(b) An involuntarily inactive license may be reactivated by submitting an application to the department, completing the continuing education requirements, complying with any background investigation required, complying with other requirements prescribed by the board, and paying a \$50 reactivation fee plus the current biennial renewal fee at the time of reactivation for each biennium in which the license was inactive.~~

~~(2)(3) The board may adopt rules relating to inactive licenses and the reactivation of licenses.~~

~~(4) A licensee whose license has become null and void may reapply to the board, and the board may waive education and experience requirements as provided by rule. Upon reapplication, however, the board may require any additional current requirements for licensure, including reexamination.~~

~~(5) Each licensee in inactive status on or after October 1, 1991, shall receive one notice, at the time of commencement of his next biennial period, before his license shall become null and void.~~

Section 290. Subsections (3), (4), and (5) of section 492.109, Florida Statutes, are amended to read:

492.109 Renewal of license; fees.—

~~(3) Any license which is not renewed at the end of the period prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the other qualifications for reactivation in s. 492.1101.~~

~~(4) Sixty days prior to the end of the renewal period and automatic reversion of a license to inactive status, the department shall mail a notice of renewal and possible reversion to the last known address of the licensee.~~

~~(3)(5) The licensee must shall have on file with the department the address of his primary place of practice within this state prior to engaging in that practice. Prior to changing the address of his primary place of practice, whether or not within this state, the licensee must shall notify the department of the address of his new primary place of practice.~~

Section 291. Subsection (1) of section 492.1101, Florida Statutes is amended to read:

492.1101 Inactive status.—

(1) A license ~~that~~ which has become inactive may be reactivated ~~under pursuant to~~ s. 492.109 upon application to the department. The

~~board shall by rule determine the length of time, not less than 2 nor more than 4 years, within which an inactive status license shall automatically expire unless it has been reactivated. Once a license has expired, it shall become null and void without any further action by the board or department. One year prior to expiration, the department shall give notice to the licensee of the impending expiration.~~

Section 292. Subsection (1) of section 492.112, Florida Statutes, is amended to read:

492.112 Prohibitions; penalties.—

(1) ~~A No~~ person may ~~not shall~~ knowingly:

(a) Practice geology unless the person is licensed ~~under pursuant to~~ ss. 492.101-492.1165.;

(b) Use the name or title "Professional Geologist" or any other title, designation, words, letters, abbreviations, or device tending to indicate that ~~the such~~ person holds an active license as a geologist when the person is not licensed ~~under pursuant to~~ ss. 492.101-492.1165.;

(c) Present as his own the license of another.;

(d) Give false or forged evidence to the department. ~~for the purpose of obtaining a license;~~

(e) Use or attempt to use a license ~~that~~ which has been suspended, revoked, or placed on inactive ~~or delinquent~~ status;

(f) Employ unlicensed persons to practice geology; or

(g) Conceal information relative to violations of ss. 492.101-492.1165.

Section 293. Subsection (1) of section 492.113, Florida Statutes, is amended to read:

492.113 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violation of any provision of s. 492.112 or any other provision of ss. 492.101-492.1165.;

(b) Attempting to procure a license to practice geology by bribery or fraudulent misrepresentations.;

(c) Having a license to practice geology revoked, suspended, or otherwise acted against, including the denial of licensure by the licensing authority of another state, territory, or country.;

(d) Being convicted or found guilty ~~of, or entering a plea of nolo contendere to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of geology or the ability to practice geology. A plea of nolo contendere shall create a presumption of guilt to the underlying criminal charges, and the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea;~~

(e) Making or filing a report or record ~~that~~ which the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those ~~that~~ which are signed in the capacity of a licensed geologist.;

(f) Advertising goods or services in a manner ~~that~~ which is fraudulent, false, deceptive, or misleading in form or content.;

(g) ~~Committing and act of~~ fraud or deceit, negligence, incompetence, or misconduct, in the practice of geology.;

(h) Violation of chapter 455.;

(i) Practicing on a revoked, suspended, ~~or~~ inactive, ~~or delinquent~~ license.;

(j) Affixing or permitting to be affixed his name to geological papers, reports, or documents ~~that~~ which were not prepared by him or under his responsible supervision, direction, or control. ~~or~~

(k) Violating a rule of the department or any order of the department previously entered in a disciplinary hearing.

Section 294. For the purpose of incorporating the amendment to section 492.113, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

492.105 Licensure by examination; requirements; fees.—

(3) The department shall not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of ss. 492.101-492.1165. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

492.108 Licensure by endorsement; requirements; fees.—

(2) The department shall issue a license to practice professional geology to any applicant who successfully complies with the requirements of this section. The department shall not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of ss. 492.101-492.1165. Upon completion of the investigation, the disciplinary provisions of s. 492.113 shall apply.

492.111 Practice of professional geology by a firm, corporation, or partnership; certificate of authorization.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of ss. 492.101-492.1165 through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of ss. 492.101-492.1165, provided that:

(6) The department may refuse to issue a certificate of authorization if any facts exist which would entitle the department to suspend or revoke an existing certificate of authorization or if the department, after giving persons involved a full and fair hearing, determines that any of the officers or directors of said firm or corporation, or partners of said partnership, have violated the provisions of s. 492.113.

Section 295. Subsection (5) of section 1 of chapter 86-286, Laws of Florida, is hereby repealed.

Section 296. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The Legislature finds that the practice of architecture is a learned profession. The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. The Legislature further finds that it is in the interest of the public to limit the practice of interior design to those persons having the design education and training required herein or otherwise exempted herein ~~use of the terms "interior designer" and "registered interior designer" to those persons having interior design education and training as provided in this part.~~

Section 297. Subsections (2), (4), (5), and (8) of section 481.203, Florida Statutes, are amended to read:

481.203 Definitions.—As used in this part:

(2) "Department" means the Department of *Business and Professional Regulation*.

(4) "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture or interior design. ~~to use the title "registered interior designer" or "interior designer."~~

(5) "Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design ~~or to use the title "interior designer."~~

(8) "Interior design" means design services ~~which do not necessarily require performance by an architect, including consultations, studies, drawings, and specifications, and the administration of nonstructural interior design construction contracts in connection with reflected ceiling plans, space utilization, furnishings, or the fabrication of nonstructural elements within and surrounding interior spaces of buildings; but specifically excluding design of architectural and engineering interior construction relating to the building systems, which include structural, plumbing, heating, ventilation, air conditioning, and mechanical and electrical systems, except for specification of fixtures and their location within interior spaces. Except as provided herein, interior design shall not include services which require performance by an architect.~~

Section 298. Section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.—

(1) A Board of Architecture and Interior Design is created in the Department of *Business and Professional Regulation*. The board shall consist of ~~eleven~~ nine members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years; ~~three two~~ members must be registered interior designers who have been offering interior design services for at least 5 years; and ~~three two~~ members must be lay persons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. ~~The initial interior designer members must have been offering interior design services for at least 5 years, be otherwise eligible to be registered, and become registered within 1 year of October 1, 1988.~~ At least one member of the board must be 60 years of age or older.

(2) Members shall be appointed for 4-year *staggered* terms.

Section 299. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish separate fees for architects and interior designers, to be paid for applications, examination, reexamination, licensing and renewal, reinstatement, and record-making and recordkeeping. The examination fee shall be in an amount which covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee shall be nonrefundable. The fee for ~~architects~~ for initial application and examination for architects and interior designers shall not exceed \$775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards or the National Council of Interior Design Qualifications, respectively, or a similar national organizations organization. The biennial renewal fee for architects shall not exceed \$200. The biennial renewal fee for interior designers shall not exceed \$500. The board may also establish, by rule, a late renewal penalty. The board shall establish fees which are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

Section 300. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;

(b)1. Has successfully completed all architectural curriculum courses required by and is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States, including those schools and colleges accredited by the National Architectural Accreditation Board; and

(c) ~~Beginning on October 1, 1989,~~ Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

(2) A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:

(a) Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience; or

(b) Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;

~~(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience; or~~

~~(d) Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.~~

All such education shall have been obtained in a program, school, or college of interior design accredited by the Foundation for Interior Design Education Research or in an unaccredited program, school, or college of interior design approved by the board. The board shall adopt rules providing for the review and approval of unaccredited programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of accredited programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.

Section 301. Section 481.211, Florida Statutes, is amended to read:

481.211 *Architecture* internship required.—

(1) An applicant for licensure as a registered architect shall complete, prior to licensure, an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:

(a) Three years for an applicant holding the degree of Bachelor of Architecture; or

(b) Two years for an applicant holding the professional degree of Master of Architecture.

(2) ~~Beginning on October 1, 1989,~~ Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to graduation from a school or college of architecture as defined in s. 481.209(1).

Section 302. Paragraph (b) of subsection (3) of section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.—

(3) The board shall certify as qualified for a license by endorsement as an architect or as an interior designer an applicant who:

(b) Holds a valid license to practice architecture or *interior design* ~~to use the title "interior designer," as applicable,~~ issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria which existed in this state at the time the license was issued *provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder; or*

Section 303. Subsection (1) of section 481.2131, Florida Statutes, is amended to read:

481.2131 Interior design; practice requirements; disclosure of compensation for professional services.—

(1) A registered interior designer is authorized to perform "interior design" as defined in s. 481.203. Interior design documents prepared by a registered interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law. *Interior design documents that are prepared and sealed by a registered interior designer may, if required by a permitting body, be submitted for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems or that materially affect life safety systems pertaining to fire safety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multi-story structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.*

Section 304. Subsections (1), (3), (7), (13), and (14) of section 481.219, Florida Statutes, are amended to read:

481.219 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice architecture or *interior design* by licensees through a corporation or partnership offering architectural or *interior design* services to the public, or by a corporation or partnership offering architectural or *interior design* services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of this section.

(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, or person operating under a fictitious name, *offering interior design services to the public jointly or separately using the title interior design or interior designer.* However, ~~when an individual is practicing interior design using such titles in his own name, he shall not be required to be certified under this section.~~

(7) The board shall certify an applicant as qualified for a certificate of authorization to offer architectural or *interior design* services ~~or use the title "interior designer," as appropriate,~~ provided that:

(a) one or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation or partnership who act in its behalf in this state as architects, are registered as provided by this part; or

(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.

(13) Nothing in this section shall be construed to mean that a certificate of registration to practice architecture or *interior design* ~~use the title "interior designer"~~ shall be held by a corporation or partnership. Nothing in this section prohibits corporations and partnerships from joining together to offer architectural, engineering, interior design, land surveying, and landscape architectural services, or any combination of such services, to the public, provided that each corporation or partnership otherwise meets the requirements of law.

(14) Corporations or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer".

Section 305. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties.—

(1) No person shall knowingly:

(a) Practice architecture unless the person is an architect or a registered architect;

(b) *Practice interior design unless the person is a registered interior designer unless otherwise exempted herein;*

~~(c)(b)~~ Use the name or title "architect" or "registered architect," or "interior designer" or "registered interior designer," or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part;

~~(d)(e)~~ Present as his own the license of another;

~~(e)(d)~~ Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license;

~~(f)(e)~~ Use or attempt to use an architect or interior designer license which has been suspended, revoked, or placed on inactive status;

~~(g)(f)~~ Employ unlicensed persons to practice architecture or *interior design*; or

~~(h)(g)~~ Conceal information relative to violations of this part.

(2) Any person who violates any provision of this section ~~commits is guilty of a~~ misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 306. Paragraphs (a) and (b) of subsection (1) of section 481.2251, Florida Statutes, are amended:

481.2251 Disciplinary proceedings against registered interior designers.—

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to practice interior design use the title "interior designer";

(b) Having a license to practice interior design, or a license to use the title "interior designer," revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

Section 307. Subsections (1), (6), and (8) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

(1) No person shall be required to qualify as an architect or interior designer in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

(a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;

(b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or

(c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use.

(6) This part shall not apply to:

(a) ~~unlicensed~~ Persons providing holding themselves out as "interior decorators" or offering "interior decorator services," for residential applications, including such as the selection or assistance in selecting surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, or loose furnishings not subject to regulation under applicable building codes; or

(b) An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale.

(8) ~~Nothing contained in this act shall prevent any person from rendering interior design services, provided that such person shall not be permitted to use or be identified by the title "interior designer," unless licensed in accordance with this part.~~

Section 308. For the purpose of incorporating the amendments to sections 481.223 and 481.229, Florida Statutes, in references thereto, the sections or subdivisions of Florida Statutes set forth below are reenacted to read:

481.213 Licensure.—

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223, s. 481.225, or s. 481.2251, as applicable.

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 481.221, s. 481.223, or s. 455.227(1) or any rule of the board or department lawfully adopted pursuant to this part or chapter 455;

481.231 Effect of ss. 481.201-481.24 locally.—

(2) Counties or municipalities which issue building permits shall not issue permits if it is apparent from the application for the building permit that the provisions of this part have been violated; provided, however, that this subsection shall not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 481.229.

Section 309. Effective October 1, 1994, section 481.24, Florida Statutes, is created to read:

481.24 Interior design; initial licensure; provisional licensure.—

(1) All architects licensed as interior designers under part I of chapter 481, Florida Statutes, prior to the effective date of this act shall have

their licenses carried forward and shall have all duties, rights, and privileges granted to licensees under part I of chapter 481, Florida Statutes, as amended by this act.

(2) All persons previously licensed to use the title "interior designer" or "registered interior designer" shall automatically be qualified for interior design licensure under this part who have successfully completed one of the following:

(a) A National Council of Interior Design Qualifications examination; or

(b) An American Institute of Design examination; or

(c) Another examination approved by the board,

(3) A person previously licensed to use the title "interior designer" or "registered interior designer" who has not successfully completed the licensure examination shall have until April 1, 1996, to successfully complete the building and barrier free codes section of the national examination as prepared by the National Council of Interior Design Qualifications.

(4) Provisions of section 481.409 are not applicable to applicants under this section. From the date of the initial application until passage of the examination all applicants shall comply with the continuing education requirements of this part. Any person who has been approved under this section for examination as an interior designer may qualify for a provisional license as provided for by rule of the board. Persons operating with a provisional license shall work under the supervision of a licensed interior designer.

Section 310. All provisions of this act relating to the licensure and regulation of interior design shall be reviewed by the Legislature prior to July 1, 1997.

Section 311. There is hereby appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation the sum of \$101,421 and one FTE position to implement the provisions of this act relating to the regulation of architects and interior designers.

Section 312. Subsections (1), (2), and (4) of section 455.218, Florida Statutes, as amended by section 48 of chapter 92-33, Laws of Florida, section 16 of chapter 92-149, Laws of Florida, and section 23 of chapter 93-129, Laws of Florida, are amended to read:

(Substantial rewording of subsections. See s. 455.218(1), (2), (4), F.S., for present text.)

455.218 Foreign-trained professionals; special examination and license provisions.—

(1) When not otherwise provided by law, within their respective jurisdictions, the Agency for Health Care Administration and the department shall, by rule, provide procedures under which exiled professionals may be examined within each practice act. A person shall be eligible for such examination if the person:

(a) Immigrated to the United States after leaving the person's home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States;

(b) Applies to the department or the Agency for Health Care Administration, as appropriate, and submits a fee;

(c) Was a Florida resident immediately preceding the person's application;

(d) Demonstrates to the department or the Agency for Health Care Administration, through submission of documentation verified by the applicant's respective professional association in exile, that the applicant was graduated with an appropriate professional or occupational degree from a college or university; however, the department or the Agency for Health Care Administration may not require receipt of any documentation from the Republic of Cuba as a condition of eligibility under this section;

(e) Lawfully practiced the profession for at least 3 years;

(f) Prior to 1980, successfully completed an approved course of study pursuant to chapters 74-105 and 75-177, Laws of Florida; and

(g) Presents a certificate demonstrating the successful completion of a continuing education program which offers a course of study that will prepare the applicant for the examination offered under subsection (2). The department and the Agency for Health Care Administration shall develop rules for the approval of such programs for their respective boards.

(2) Upon request of a person who meets the requirements of subsection (1) and submits an examination fee, the department or the Agency for Health Care Administration, for their respective boards, shall provide a written practical examination which tests the person's current ability to practice the profession competently in accordance with the actual practice of the profession. Evidence of meeting the requirements of subsection (1) shall be treated by the department or the Agency for Health Care Administration as evidence of the applicant's preparation in the academic and preprofessional fundamentals necessary for successful professional practice, and the applicant shall not be examined by the department or the Agency for Health Care Administration on such fundamentals.

(4) The department and the Agency for Health Care Administration shall examine any applicant who meets the requirements of subsections (1) and (2). Upon passing the examination and the issuance of the license, a licensee is subject to the administrative requirements of this chapter and the respective practice act under which the license is issued. Each applicant so licensed is subject to all provisions of this chapter and the respective practice act under which the license was issued.

Section 313. Subsections (1), (3), and (6) of section 455.224, Florida Statutes, as amended by section 53 of chapter 92-33, Laws of Florida, section 20 of chapter 92-149, Laws of Florida, and section 23 of chapter 93-129, Laws of Florida, are amended to read:

(Substantial rewording of subsections. See s. 455.224(1), (3), (6), F.S., for present text.)

455.224 Authority to issue citations.—

(1) Notwithstanding s. 455.225, the board, or the department or the Agency for Health Care Administration when there is no board, shall adopt rules to permit the issuance of citations. The citation shall be issued to the subject and shall contain the subject's name and address, the subject's license number if applicable, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure under s. 455.225. If the subject disputes the matter in the citation, the procedures set forth in s. 455.225 must be followed. However, if the subject does not dispute the matter in the citation with the department or the agency, whichever has jurisdiction, within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. The penalty shall be a fine or other conditions as established by rule.

(3) The department or the Agency for Health Care Administration shall be entitled to recover the costs of investigation, in addition to any penalty provided according to board, department, or agency rule, as part of the penalty levied pursuant to the citation.

(6) Within their respective jurisdictions, the department and the Agency for Health Care Administration have exclusive authority to, and shall adopt rules to, designate those violations for which the licensee is subject to the issuance of a citation and designate the penalties for those violations if any board fails to incorporate this section into rules by January 1, 1992. A board created on or after January 1, 1992, has 6 months in which to enact rules designating violations and penalties appropriate for citation offenses. Failure to enact such rules gives the department or the agency exclusive authority to adopt rules as required for implementing this section. A board has continuous authority to amend its rules adopted pursuant to this section.

Section 314. Section 455.225, Florida Statutes, as amended by section 54 of chapter 92-33, Laws of Florida, section 21 of chapter 92-149, Laws of Florida, section 132 of chapter 92-279, Laws of Florida, section 55 of chapter 92-326, Laws of Florida, and section 23 of chapter 93-129, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 455.225, F.S., for present text.)

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department or the Agency for Health Care Administration, as appropriate.

(1) The department or the Agency for Health Care Administration, for the boards under their respective jurisdictions, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department or the agency, or of any rule adopted by the department, the agency, or a regulatory board in the department or the agency has occurred. In order to determine legal sufficiency, the department or the agency may require supporting information or documentation. The department or the agency may investigate, and the department, the agency, or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department or the agency may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the alleged violations in the complaint are true. The department or the agency may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department or the agency has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department or the agency may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, a rule of the agency, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department or the agency shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chairman of the respective board or the chairman of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department or the agency may withhold notification. The department or the agency may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department and the Agency for Health Care Administration shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. When its investigation is complete and legally sufficient, the department or the agency shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department or the agency. The report shall contain the investigative findings and the recommendations of the department or the agency concerning the existence of probable cause. At any time after legal sufficiency is found, the department or the agency may dismiss any case, or any part thereof, if the department or the agency determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department or the agency shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department or the agency dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department or the agency may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department or the agency if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department or the Agency for Health Care Administration, as appropriate. Each regulatory board shall provide, by rule, that the determination of probable cause shall be made by a panel of its members or by the department or the agency. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chairman. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his privilege of confidentiality. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The probable cause panel may make a reasonable request, and upon such request the department or the agency shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department or the agency, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department or the agency. The secretary may grant extensions of the 15-day and the 30-day time limits. If the probable cause panel does not find probable cause within the 30-day time limit, as may be extended, or if the probable cause panel finds no probable cause, the department or the agency may determine, within 10 days after the panel fails to determine probable cause or 10 days after the time limit has elapsed, that probable cause exists. In lieu of a finding of probable cause, the probable cause panel, or the department or the agency when there is no board, may issue a letter of guidance to the subject. If the probable cause panel finds that probable cause exists, it shall direct the department or the agency to file a formal complaint against the licensee. The department or the agency shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department or the agency shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department or the agency may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department or the agency shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department or the agency shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department or the agency within 1 year after the filing of a complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Health Care Trust Fund or the Professional Regulation Trust Fund, as appropriate. All proceedings of the probable cause panel are exempt from s. 120.53(1)(d).

(5) A formal hearing before a hearing officer from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The hearing officer shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed settlement shall be subject to the approval of the department or the agency.

(7) The department or the Agency for Health Care Administration, as appropriate, shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(8) shall be conducted by the Secretary of Business and Professional Regulation or his designee or the Director of Health Care Administration or his designee, as appropriate, who shall issue the final summary order.

(9) The department or the Agency for Health Care Administration, as appropriate, shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

(10) The complaint and all information obtained pursuant to the investigation by the department or the Agency for Health Care Administration are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department or the agency, or until the regulated professional or subject of the investigation waives his privilege of confidentiality, whichever occurs first. Upon completion of the investigation and pursuant to a written request by the subject, the department or the agency shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 455.241, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation, if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 455.241. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days, unless an extension of time has been granted by the department or the agency. This subsection does not prohibit the department or the Agency for Health Care Administration from providing such information to any law enforcement agency or to any other regulatory agency. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department or the Division of Health Quality Assurance of the Agency for Health Care Administration with regard to the incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the agency about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b), where intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

Section 315. Subsections (2) and (3) of section 455.241, Florida Statutes, as amended by section 62 of chapter 92-33, Laws of Florida, section 32 of chapter 92-149, Laws of Florida, and section 23 of chapter 93-129, Laws of Florida, are amended to read:

(Substantial rewording of subsections. See s. 455.241(2), (3), F.S., for present text.)

455.241 Patient records; report or copies of records to be furnished.—

(2) Except as otherwise provided in s. 440.13(2), such records may not be furnished to, and the medical condition of a patient may not be dis-

cussed with, any person other than the patient or the patient's legal representative or other health care providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization to any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff. Such records may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records. Except in a medical negligence action when a health care provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given. The department or the Agency for Health Care Administration, as appropriate, may obtain patient records pursuant to a subpoena without written authorization from the patient if the department or the Agency for Health Care Administration and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or any professional practice act or that a practitioner has practiced his profession below that level of care, skill, and treatment required as defined by this chapter or any professional practice act; provided, however, the patient record obtained by the department or the agency pursuant to this subsection shall be used solely for the purpose of the department or the agency and the appropriate regulatory board in disciplinary proceedings. The record shall otherwise be confidential and exempt from s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. This section does not limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the practitioner shall release records of treatment for medical conditions even if the practitioner has also treated the patient for mental or nervous disorders. If the department or the agency has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department or the agency may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

(3) All patient records obtained by the department or the Agency for Health Care Administration and any other documents maintained by the department or the agency which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department or the Agency for Health Care Administration and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the Agency for Health Care Administration or the appropriate board. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 316. Section 455.26, Florida Statutes, as amended by section 65 of chapter 92-33, Laws of Florida, section 37 of chapter 92-149, Laws of Florida, and section 23 of chapter 93-129, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 455.26, F.S., for present text.)

455.26 Impaired Practitioners Committee; duties.—

(1) There is created the Impaired Practitioners Committee to be composed of one representative appointed by each board under the jurisdiction of the Division of Medical Quality Assurance, of one addictionologist, and one lay member having an appropriate background in the area of impairment, each to be appointed by the agency head of the agency having jurisdiction over the professions; one representative of the Agency for Health Care Administration, to be appointed by the Director of Health Care Administration; and of one representative of the department appointed by the secretary of the department. Section 455.207 applies to the activities of the committee.

(2) The committee shall:

(a) Establish policies and guidelines to be used in approving treatment providers for preventive and rehabilitative programs directed to impaired practitioners;

(b) Act as liaison between approved treatment providers and the department and the Agency for Health Care Administration;

(c) Advise the department and the agency on the continuation and expansion of treatment programs for impaired practitioners; and

(d) Disseminate information concerning the impairment program.

Section 317. Subsection (12) of section 713.01, Florida Statutes, is amended to read:

713.01 Definitions.—As used in this part, the term:

(12) "Improve" means build, erect, place, make, alter, remove, repair, or demolish any improvement over, upon, connected with, or beneath the surface of real property, or excavate any land, or furnish materials for any of these purposes, or perform any labor or services upon the improvements, including the furnishing of carpet or rugs or appliances that are permanently affixed to the real property and *final construction cleanup to prepare a structure for occupancy*; or perform any labor or services or furnish any materials in grading, seeding, sodding, or planting for landscaping purposes, including the furnishing of trees, shrubs, bushes, or plants that are planted on the real property, or in equipping any improvement with fixtures or permanent apparatus.

Section 318. Paragraph (a) of subsection (2) of section 713.06, Florida Statutes, is amended to read:

713.06 Liens of persons not in privity; proper payments.—

(2)(a) All lienors under this section, except laborers, as a prerequisite to perfecting a lien under this chapter and recording a claim of lien, must serve a notice on the owner setting forth the lienor's name and address, a description sufficient for identification of the real property, and the nature of the services or materials furnished or to be furnished. A subcontractor or a materialman to a subcontractor must serve a copy of the notice on the contractor as a prerequisite to perfecting a lien under this chapter and recording a claim of lien. A materialman to a subcontractor must serve a copy of the notice to owner on the contractor ~~and subcontractor of the subcontractor~~ as a prerequisite to perfecting a lien under this chapter and recording a claim of lien. *A materialman to a subcontractor shall serve the notice to owner on the subcontractor if the materialman knows the name and address of the subcontractor.* The notice must be served before commencing, or not later than 45 days after commencing, to furnish his services or materials, but, in any event, before the date of the owner's disbursement of the final payment after the contractor has furnished the affidavit under subparagraph (3)(d)1. The notice must be served regardless of the method of payments by the owner, whether proper or improper, and does not give to the lienor serving the notice any priority over other lienors in the same category; and the failure to serve the notice, or to timely serve it, is a complete defense to enforcement of a lien by any person. The serving of the notice does not dispense with recording the claim of lien. The notice is not a lien, cloud, or encumbrance on the real property nor actual or constructive notice of any of them.

Section 319. Section 713.16, Florida Statutes, is amended to read:

713.16 Demand for copy of contract and statements of account; form.—

(1) A copy of the contract of a lienor or owner and a statement of the amount due or to become due if fixed or ascertainable thereon must be furnished by any party thereto, upon written demand of an owner or a lienor contracting with or employed by the other party to such contract. If the owner or lienor refuses or neglects to furnish such copy of the contract or such statement, or willfully and falsely states the amount due or to become due if fixed or ascertainable under such contract, any person who suffers any detriment thereby has a cause of action against the person refusing or neglecting to furnish the same or willfully and falsely stating the amount due or to become due for his damages sustained thereby. The information contained in such copy or statement furnished pursuant to such written demand is binding upon the owner or lienor furnishing it unless actual notice of any modification is given to the person demanding the copy or statement before such person acts in good faith

in reliance on it. The person demanding such documents must pay for the reproduction thereof; and, if such person fails or refuses to do so, he is entitled only to inspect such documents at reasonable times and places.

(2) At the time any payment is to be made by the owner to the contractor or directly to a lienor, the owner may serve in writing a demand of any lienor for a written statement under oath of his account showing the nature of the labor or services performed and to be performed, *if any*, the materials furnished, *the materials and to be furnished, if known*, the amount paid on account to date, the amount due, and the amount to become due, *if known, as of the date of the statement by the lienor*. Any such demand to a lienor must be served on the lienor at the address and to the attention of any person who is designated to receive the demand in the notice to owner served by such lienor. The failure or refusal to furnish the statement does not deprive the lienor of his lien if the demand is not served at the address of the lienor or directed to the attention of the person designated to receive the demand in the notice to owner. The failure or refusal to furnish the statement within 30 days after the demand, or the furnishing of a false or fraudulent statement, deprives the person so failing or refusing to furnish such statement of his lien. *If the owner serves more than one demand for statement of account on a lienor and none of the information regarding the account has changed since the lienor's last response to a demand, the failure or refusal to furnish such statement does not deprive the lienor of his lien. The negligent inclusion or omission of any information deprives the person of his lien to the extent the owner can demonstrate prejudice from such act or omission by the lienor. The failure to furnish a response to a demand for statement of account does not affect the validity of any claim of lien being enforced through a foreclosure case filed prior to the date the demand for statement is received by the lienor.*

(3) A request for sworn statement of account must be in substantially the following form:

REQUEST FOR SWORN STATEMENT OF ACCOUNT

WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT, SIGNED UNDER OATH, WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL RESULT IN THE LOSS OF YOUR LIEN.

To: . . . (Lienor's name and address) . . .

The undersigned hereby demands a written statement under oath of his account showing the nature of the labor or services performed and to be performed, *if any*, the materials furnished, *the materials and to be furnished, if known*, the amount paid on account to date, the amount due, and the amount to become due, *if known, as of the date of the statement for the improvement of real property identified as . . . (property description) . . .*

. . . (signature and address of owner) . . .

. . . (date of request for sworn statement of account) . . .

(4) When a contractor has furnished a payment bond pursuant to s. 713.23, he may, when an owner makes any payment to the contractor or directly to a lienor, serve a ~~make~~ written demand on ~~of~~ any other lienor for a written statement under oath of his account showing the nature of the labor or services performed and to be performed, *if any*, the materials furnished, *the materials and to be furnished, if known*, the amount paid on account to date, the amount due, and the amount to become due, *if known, as of the date of the statement by the lienor*. Any such demand to a lienor must be served on the lienor at the address and to the attention of any person who is designated to receive the demand in the notice to contractor served by such lienor. The failure or refusal to furnish the statement does not deprive the lienor of his rights under the bond if the demand is not served at the address of the lienor or directed to the attention of the person designated to receive the demand in the notice to contractor. The failure to furnish the statement within 30 days after the demand, or the furnishing of a false or fraudulent statement, deprives the person who fails to furnish the statement, or who furnishes the false or fraudulent statement, of his rights under the bond. *If the contractor serves more than one demand for statement of account on a lienor and none of the information regarding the account has changed since the lienor's last response to a demand, the failure or refusal to furnish such statement does not deprive the lienor of his rights under the bond. The negligent inclusion or omission of any information deprives the person of his rights under the bond to the extent the contractor can demonstrate prejudice from such act or omission by the lienor. The failure to*

furnish a response to a demand for statement of account does not affect the validity of any claim on the bond being enforced in a lawsuit filed prior to the date the demand for statement of account is received by the lienor.

(5) Any lienor who has filed a claim of lien may make written demand on the owner for a written statement under oath showing the amount of all direct contracts; the amount paid by or on behalf of the owner for all labor, services, and materials furnished pursuant to the direct contracts; the dates and amounts paid or to be paid by or on behalf of the owner for all improvements described in any direct contracts; and the reasonable estimated costs of completing, according to the terms and specifications of same, any direct contract under which construction has ceased. If known, the actual cost of completion must be provided. Any owner who does not provide the statement within 30 days after demand, or who provides a false or fraudulent statement, is not a prevailing party for purposes of an award of attorney's fees under s. 713.29. The written demand must include the following warning in conspicuous type in substantially the following form:

WARNING: YOUR FAILURE TO FURNISH THE REQUESTED STATEMENT WITHIN 30 DAYS OR THE FURNISHING OF A FALSE STATEMENT WILL RESULT IN THE LOSS OF YOUR RIGHT TO RECOVER ATTORNEY FEES IN ANY ACTION TO ENFORCE THE CLAIM OF LIEN OF THE PERSON REQUESTING THIS STATEMENT.

Section 320. Legislative findings and intent.—The Legislature finds that the full regulation of athletic training and athletic trainers is in the public interest and that without such regulation there is substantial threat to the public welfare. It is the intent of the Legislature that athletes be assisted by persons adequately trained to recognize, prevent, and treat physical injuries sustained during athletic activities. It is the intent of the Legislature to protect the interest of athletes by immediately registering athletic trainers and fully regulating athletic trainers based on the regulatory recommendations of the task force created by this act.

Section 321. Definitions.—As used in this act, the term:

(1) "Athlete" means a natural person who participates in an athletic activity.

(2) "Athletic activity" means the participation in an activity conducted by an educational institution, a professional athletic organization, or an amateur organization, involving exercises, sports, games, or recreation requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

(3) "Athletic injury" means an injury sustained by an athlete which affects the athlete's participation or performance in athletic activity.

(4) "Athletic trainer" means a natural person registered under this act.

(5) "Athletic training" means the recognition, prevention, and treatment of athletic injuries by an athletic trainer for compensation.

(6) "Department" means the Department of Business and Professional Regulation.

Section 322. Registration.—Any person practicing athletic training shall register with the department on forms provided by the department, pay a registration fee not to exceed \$200, and provide evidence satisfactory to the department that the applicant has:

(1)(a) Obtained a baccalaureate degree from a college or university and has completed coursework in each of the following areas: health; human anatomy; kinesiology/biomechanics; human physiology; physiology of exercise; basic athletic training; and advanced athletic training;

(b) Maintained standard first aid and cardiovascular pulmonary resuscitation certification from the American Red Cross or an equivalent certification as determined by the department; and

(c) Within a 2-year period, attained a minimum of 800 hours of athletic training experience under the direct supervision of a registered athletic trainer, or an athletic trainer certified by the National Athletic Trainers' Association Board of Certification, or an athletic trainer certified by a national athletic training standards organization with comparable certification standards as determined by the department; or

(2) Practiced athletic training for at least 3 years of the 5 years preceding application. The department may not register an applicant under this subsection after October 1, 1996.

Section 323. The department is authorized to make such rules not inconsistent with law as may be necessary to carry out the provisions of this act and chapter 455, Florida Statutes, and to protect the health, safety, and welfare of the public.

Section 324. Athletic Training Regulatory Task Force.—

(1) There is created within the Department of Business and Professional Regulation the Athletic Training Regulatory Task Force to assist the department in developing the proper regulatory scheme for athletic trainers. The department shall make its regulatory recommendations to the Legislature by December 31, 1994. The secretary shall appoint members of the task force. The task force shall have five members. Members shall serve at the pleasure of the secretary.

(2) The task force shall elect from its appointed members a chairperson and a vice chairperson.

(3) The task force shall meet at least once annually and may meet as often as is necessary. The chairperson, a quorum of the task force or the department shall have the authority to call other meetings. A quorum shall be necessary for the purpose of conducting official business of the task force. Fifty-one percent or more of the appointed members of the task force shall constitute a quorum.

(4) The task force shall use accepted rules of procedure to conduct its meetings. The department shall keep on file a complete record of each meeting.

(5) Members of the task force shall receive no compensation for their services, except that they shall receive per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(6) The task force may hold public meetings and may request that the department use its power to obtain information or evidence for consideration by the task force.

(7) The department shall provide administrative and staff support services relating to the functions of the task force.

Section 325. Exemptions.—Nothing in this act shall be construed as preventing or restricting:

(1) The professional practice of a licensee of the department who is acting within the scope of such practice.

(2) A student athletic trainer acting under the direct supervision of a registered athletic trainer.

(3) A person employed as a teacher apprentice trainer under s. 232.435, Florida Statutes.

(4) A person licensed under chapter 548, Florida Statutes.

Section 326. Subsection (3) is added to section 486.161, Florida Statutes, to read:

486.161 Exemptions.—

(3) *No provision of this chapter prohibits a licensed physical therapist from delegating, to a person qualified by training, experience, or education, specific patient care activities, as defined and limited by board rule, to assist the licensed physical therapist in performing duties in compliance with the standards of the practice of physical therapy. Specific patient care activities, as defined and limited by board rule, must be performed under the direct supervision of the licensed physical therapist or physical therapist assistant in the immediate area, if the person is not a licensed physical therapist assistant.*

Section 327. Sections 318, 319, 320, 321, 322, 323 and 324 of this act shall take effect upon becoming a law.

Section 328. Subsection (1) of section 413.275, Florida Statutes, is amended to read:

413.275 Florida Council for the Hearing Impaired.—

(1) There is hereby established within the Division of Vocational Rehabilitation of the Department of Labor and Employment Security the Florida Council for the Hearing Impaired, hereinafter referred to as "the council." The council shall be composed of 14-18 persons, as follows:

(a) The President of the Florida School for the Deaf and the Blind or his designee.

(b) The Chief of the Bureau of Education for Exceptional Students in the Division of Public Schools of the Department of Education or his designee.

(c) The director of the Division of Vocational Rehabilitation or his designee.

(d) The Secretary of Health and Rehabilitative Services or his designee.

(e) *The Secretary of Elderly Affairs or the secretary's designee.*

(f)(e) Nine persons to be appointed by the Governor by August 15, 1983, seven of whom shall be hearing-impaired persons. Of these seven persons, three shall be representatives of statewide organizations serving hearing-impaired persons, at least one shall be "oral deaf," which means a person with a hearing loss who depends primarily on visual input or speechreading skills for receiving information and who uses speech to communicate with other persons, and at least one shall be a minority person as defined in s. 288.703(3).

Members may be replaced because of poor attendance, lack of participation in the work of the council, or malfeasance in office. Vacancies occurring in the membership of the council shall be filled by the Governor for the unexpired portions of the vacated terms. Members shall be appointed for 4-year staggered terms.

Section 329. Paragraph (c) of subsection (2) and subsection (4) of section 468.1135, Florida Statutes, are amended to read:

468.1135 Board of Speech-Language Pathology and Audiology.—

(2)

(c) Two members shall be citizens of the state who are communicatively impaired and who are not, and have never been, licensed as a speech-language pathologist or an audiologist and who are in no way connected with the practice of such profession. *At least one of the two shall be a hearing aid user.*

(4)(a) The board is authorized to adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this part.

(b) *The board shall adopt rules requiring that each prospective purchaser of a hearing aid be notified by the attending audiologist, at the time of the initial examination for fitting and sale of a hearing aid, of telecoil, "t" coil, or "t" switch technology. The rules shall further require that licensed audiologists make available to prospective purchasers information regarding telecoils, "t" coils, or "t" switches. These rules shall be effective on or before October 1, 1994.*

Section 330. Subsections (5) and (6) of section 468.1225, Florida Statutes, are amended to read:

468.1225 Procedures, equipment, and protocols.—

(5)(a) A licensed audiologist's office must have available, or have access to, a selection of hearing aid models, hearing aid supplies, and services complete enough to accommodate the various needs of the hearing aid wearers.

(b) *At the time of the initial examination for fitting and sale of a hearing aid, the attending audiologist must notify the prospective purchaser of the benefits of telecoil, also known as "t" coil or "t" switch, technology, including increased access to telephones and noninvasive access to assistive listening systems required under the Americans with Disabilities Act of 1990.*

(6) Unless otherwise indicated, each audiometric test conducted by a licensee or a certified audiology assistant in the fitting and selling of hearing aids shall be made in a testing room that has been certified by the department, or by an agent approved by the department, not to exceed the following sound pressure levels at the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement shall be made in the case of a client who, after being provided written notice of the benefits and advantages of having the test conducted in a certified testing room, requests that the test be conducted in a place other than the licensee's certified testing

room. Such request shall be documented by a waiver which includes the written notice and is signed by the licensee and the client prior to the testing. The waiver shall be executed ~~When a test is conducted under this exception, the licensee shall obtain a waiver from the client~~ on a form provided by the department. The executed waiver shall be attached to the client's copy of the contract, and a copy of the executed waiver shall be retained in the licensee's file.

(7) The board shall have the power to prescribe the minimum procedures and equipment used in the conducting of hearing assessments and ~~necessary~~ for the fitting and selling hearing aids. The board shall adopt and enforce rules necessary to carry out the provisions of this subsection and subsection (6).

Section 331. Subsection (2) of section 468.1245, Florida Statutes, is amended to read:

468.1245 Itemized listing of prices; delivery of hearing aid; contract; guarantee; packaging; disclaimer.—

(2) Any licensee who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a contract containing the seller's signature, the address of his regular place of business, and his license or certification number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The contract also shall specify whether the hearing aid is new, used, or rebuilt and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the contract shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries, and other accessories, and the cost of any services. Notice of the availability of this service shall be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the ~~Agency for Health Care Administration Division of Consumer Services of the Department of Agriculture and Consumer Services~~. The address and telephone number of such office shall be stated on the contract.

Section 332. Section 468.1246, Florida Statutes, is created to read:

468.1246 Thirty-day trial period; purchaser's right to cancel; notice; refund; cancellation fee.—

(1) A person selling a hearing aid in this state must provide the buyer with written notice of a 30-day trial period and money-back guarantee. The guarantee must permit the purchaser to cancel the purchase for a valid reason as defined by rule of the board within 30 days after receiving the hearing aid, by returning the hearing aid or mailing written notice of cancellation to the seller. If the hearing aid must be repaired, remade, or adjusted during the 30-day trial period, the running of the 30-day trial period is suspended 1 day for each 24-hour period that the hearing aid is not in the purchaser's possession. A repaired, remade, or adjusted hearing aid must be claimed by the purchaser within 3 working days after notification of availability. The running of the 30-day trial period resumes on the day the purchaser reclaims a repaired, remade, or adjusted hearing aid or on the 4th day after notification of availability.

(2) The board, in consultation with the Board of Hearing Aid Specialists, shall prescribe by rule the terms and conditions to be contained in the money-back guarantee and any exceptions thereto. Such rule shall provide, at a minimum, that the charges for ear molds and service provided to fit the hearing aid may be retained by the licensee. The rules shall also set forth any reasonable charges to be held by the licensee as a cancellation fee. Such rule shall be effective on or before December 1, 1994. Should the board fail to adopt such rule, a licensee may not charge a cancellation fee which exceeds 5 percent of the total charge for a hearing aid alone. The terms and conditions of the guarantee, including the total amount available for refund, shall be provided in writing to the purchaser prior to the signing of the contract.

Section 333. Subsections (1) and (2) of section 484.042, Florida Statutes, are amended to read:

484.042 Board of Hearing Aid Specialists; membership, appointment, terms.—

(1) The Board of Hearing Aid Specialists is created within the Department of Business and Professional Regulation and shall consist of nine members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board shall be hearing aid specialists who have been licensed and practicing in this state for at least the preceding 4 years. The remaining four members, none of whom shall derive economic benefit from the fitting or dispensing of hearing aids, shall be appointed from the resident lay public of this state. One of the lay members shall be a hearing aid user but may neither be nor have been a hearing aid specialist or a licensee of a closely related profession. One lay member shall be an individual age 65 or over. One lay member shall be an otolaryngologist licensed pursuant to chapter 458 or chapter 459.

Section 334. Section 484.044, Florida Statutes, is amended to read:

484.044 Authority to make rules.—

(1) The board is authorized to make such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this part.

(2) *The board shall adopt rules requiring that each prospective purchaser of a hearing aid be notified by the attending hearing aid specialist, at the time of the initial examination for fitting and sale of a hearing aid, of telecoil, "t" coil, or "t" switch technology. The rules shall further require that hearing aid specialists make available to prospective purchasers or clients information regarding telecoils, "t" coils, or "t" switches. These rules shall be effective on or before October 1, 1994.*

Section 335. Subsections (5) and (6) of section 484.0501, Florida Statutes, are amended to read:

484.0501 Minimal procedures and equipment.—

(5)(a) A hearing aid office must have available, or have access to, a selection of hearing aid models, hearing aid supplies, and services complete enough to accommodate the various needs of the hearing aid wearers.

(b) *At the time of the initial examination for fitting and sale of a hearing aid, the attending hearing aid specialist must notify the prospective purchaser or client of the benefits of telecoil, "t" coil, or "t" switch technology, including increased access to telephones and noninvasive access to assistive listening systems required under the Americans with Disabilities Act of 1990.*

(6) Each audiometric test conducted by a licensee or authorized trainee in the fitting and selling of hearing aids shall be made in a testing room that has been certified by the department, or by an agent approved by the department, not to exceed the following sound pressure levels at the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement shall be made in the case of a client who, *after being provided written notice of the benefits and advantages of having the test conducted in a certified testing room*, requests that the test be conducted in a place other than the licensee's certified testing room. *Such request shall be documented by a waiver which includes the written notice and is signed by the licensee and the client prior to the testing. The waiver shall be executed* ~~When a test is conducted under this exception, the licensee shall obtain a waiver from the client~~ on a form provided by the department. The executed waiver shall be attached to the client's copy of the contract, and a copy of the executed waiver shall be retained in the licensee's file.

(7) The board shall have the power to prescribe the minimum procedures and equipment which shall be used in the *conducting of hearing assessments, and for the fitting and selling of hearing aids, including equipment that will measure the hearing aid's response curves to ensure* ~~ensure~~ that they meet the manufacturer's specifications. These procedures and equipment may differ from those provided in this section in order to take full advantage of devices and equipment which may hereafter become available and which are demonstrated to be of greater efficiency and accuracy. The board shall adopt and enforce rules necessary to carry out the provisions of this subsection and subsection (6).

Section 336. Subsection (2) of section 484.051, Florida Statutes, is amended to read:

484.051 Itemization of prices; delivery of hearing aid; receipt, packaging, disclaimer, guarantee.—

(2) Any person who fits and sells a hearing aid shall, at the time of delivery, provide the purchaser with a receipt containing the seller's signature, the address of his regular place of business, and his license or

trainee registration number, if applicable, together with the brand, model, manufacturer or manufacturer's identification code, and serial number of the hearing aid furnished and the amount charged for the hearing aid. The receipt also shall specify whether the hearing aid is new, used, or rebuilt and shall specify the length of time and other terms of the guarantee and by whom the hearing aid is guaranteed. When the client has requested an itemized list of prices, the receipt shall also provide an itemization of the total purchase price, including, but not limited to, the cost of the aid, ear mold, batteries and other accessories, and any services. Notice of the availability of this service shall be displayed in a conspicuous manner in the office. The receipt also shall state that any complaint concerning the hearing aid and guarantee therefor, if not reconciled with the licensee from whom the hearing aid was purchased, should be directed by the purchaser to the *Department of Business and Professional Regulation Division of Consumer Services of the Department of Agriculture and Consumer Services*. The address and telephone number of such office shall be stated on the receipt.

Section 337. Section 484.0512, Florida Statutes, is created to read:

484.0512 Thirty-day trial period; purchaser's right to cancel; notice; refund; cancellation fee.—

(1) A person selling a hearing aid in this state must provide the buyer with written notice of a 30-day trial period and money-back guarantee. The guarantee must permit the purchaser to cancel the purchase for a valid reason as defined by rule of the board within 30 days after receiving the hearing aid, by returning the hearing aid or mailing written notice of cancellation to the seller. If the hearing aid must be repaired, remade, or adjusted during the 30-day trial period, the running of the 30-day trial period is suspended 1 day for each 24-hour period that the hearing aid is not in the purchaser's possession. A repaired, remade, or adjusted hearing aid must be claimed by the purchaser within 3 working days after notification of availability. The running of the 30-day trial period resumes on the day the purchaser reclaims the repaired, remade, or adjusted hearing aid or on the 4th day after notification of availability.

(2) The board, in consultation with the Board of Speech-Language Pathology and Audiology, shall prescribe by rule the terms and conditions to be contained in the money-back guarantee and any exceptions thereto. Such rule shall provide, at a minimum, that the charges for ear molds and service provided to fit the hearing aid may be retained by the licensee. The rules shall also set forth any reasonable charges to be held by the licensee as a cancellation fee. Such rule shall be effective on or before December 1, 1994. Should the board fail to adopt such rule, a licensee may not charge a cancellation fee which exceeds 5 percent of the total charge for a hearing aid alone. The terms and conditions of the guarantee, including the total amount available for refund, shall be provided in writing to the purchaser prior to the signing of the contract.

Section 338. Section 310.0015, Florida Statutes, is created to read:

310.0015 Piloting regulation; general provisions.—

(1) Piloting is an essential service of such paramount importance that its continued existence must be secured by the state and may not be left open to market forces.

(2) Because safety is the primary objective in the regulation of piloting by the state and because of the significant economies of scale in delivering the service, the requirement of a large capital investment in order to provide required service, and the fact that pilots are supplying services that are considered to be essential to the economy and the public welfare, it is determined that economic regulation, rather than competition in the marketplace, will better serve to protect the public health, safety, and welfare.

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(a) Pilots may not refuse to provide piloting services to any person or entity that may lawfully request such services, except for justifiable concerns relating to safety, or, in the case of a vessel planning a departure, for nonpayment of pilotage.

(b) Pilots may not unilaterally determine the pilotage rates they charge. Such pilotage rates shall instead be determined by the Pilotage Rate Review Board, in the public interest, as set forth in s. 310.151.

(c) Pilots shall maintain or secure adequate pilot boats, office facilities and equipment, dispatch systems, communication equipment and other facilities, and equipment and support services necessary for a modern, dependable piloting operation.

(d) The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots shall constitute a ground for disciplinary action under s. 310.101. Nothing in this subsection shall be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

(e) In any instance of a payment or transfer of funds, a request for the payment or transfer of funds, or a contractual obligation assumed in respect to the payment or transfer of funds from a licensee payor to a pilot or group of pilots, or to any legal entity or fund administered or controlled by or under common control with such pilot or group of pilots, the pilot or group of pilots shall provide to the licensee payor, at the time the payment or transfer or request for the payment or transfer is made or the obligation is assumed in respect to the payment or transfer, a detailed accounting of the specific assets, tangible or intangible, in which an interest is being directly or indirectly purchased or for which the licensee payor is being granted an interest in return for such payment or transfer of funds or such contractual obligation. This paragraph does not apply to either payments or transfers of funds if their aggregate amounts are less than \$1,000. As used in this paragraph, "licensee payor" means any current or prospective state pilot or deputy pilot.

Section 339. Section 310.002, Florida Statutes, is amended to read:

310.002 Definitions.—As used in this chapter, *except where the context clearly indicates otherwise* ~~act~~:

(1) ~~The word~~ "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(2) ~~The term~~ "Pilot" means a licensed state pilot or a certificated deputy pilot.

(3) ~~The term~~ "Board" means the Board of Pilot Commissioners.

(4) ~~The word~~ "Port" means any place in the state into which vessels enter or depart and includes, without limitation, Fernandina, Nassau Inlet, Jacksonville, St. Augustine, Canaveral, Ft. Pierce, ~~West~~ Palm Beach, Port Everglades, Miami, Key West, Boca Grande, Charlotte Harbor, Punta Gorda, Tampa, Port Tampa, Port Manatee, St. Petersburg, Clearwater, Apalachicola, Carrabelle, Panama City, Port St. Joe, and Pensacola.

(5) ~~The term~~ "Pilotage waters of the state" means the navigable waters within the boundaries of the state.

(6) ~~The term~~ "Piloting" means the acts of pilots in conducting vessels through the pilotage waters of the state.

(7) ~~The word~~ "Pilotage" means the compensation fixed by the *Pilotage Rate Review Board* which is payable by a vessel, its owners, agents, charterers, or consignees to one or more pilots *in the port where piloting is performed*. The word "pilotage" also means the compensation of all types and sources derived by one or more pilots or deputy pilots for the performance of piloting at that port by licensed pilots or by certificated deputy pilots, whether such piloting is performed pursuant to this chapter or is performed by state-licensed pilots or state-certificated deputy pilots when acting as a federal pilot for vessels not required by this chapter to use a state-licensed pilot or state-certificated deputy pilot.

(8) ~~The term~~ "License" or "certificate" means the document issued by the board under seal of the department to pilots.

(9) ~~The term~~ "Department" means the Department of *Business and Professional Regulation*.

Section 340. Sections 310.011 and 310.021, Florida Statutes, are amended to read:

310.011 Board of Pilot Commissioners; qualifications.—

(1) A board is established within the Division of Professions of the Department of Business and Professional Regulation to be known as the Board of Pilot Commissioners. ~~Except as provided in s. 310.151(1),~~ The board shall be composed of 10 members, ~~to be appointed by the Governor,~~ 5 of whom shall be licensed state pilots actively practicing their profession. The board shall perform such duties and possess and exercise such powers relative to the protection of the waters, harbors, and ports of this state as are prescribed and conferred on it in this chapter.

310.021 How board constituted.—

(2)(4) ~~In accordance with the requirements of subsection (1), the Governor shall appoint five active licensed state pilots who are actively practicing their profession shall possess the qualifications specified in s. 310.011 and five citizens of the state who are not pilots, one two of whom shall be actively involved in a their professional or business capacity in maritime or marine shipping, one of whom shall be a user of piloting services, and three of whom shall not be involved or monetarily interested in the piloting profession or in the maritime industry or marine shipping, to constitute the members of the board. For purposes of this subsection, a "user of piloting services" may include any person with an ownership interest in a business that regularly employs licensed state pilots or certificated deputy pilots for the purpose of delivering piloting services, or any person who is a direct employee of, and who is employed in a management position for, that business. Each member shall be appointed for a term of 4 years. The Governor shall have power to remove members of the board from office for neglect of duty required by this chapter law, for incompetency, or for unprofessional conduct. Any vacancy which may occur in the board in consequence of death, resignation, removal from the state, or other cause shall be filled for the unexpired term by the Governor in the same manner. Except as provided in s. 310.151(1), A majority of those serving on the board shall constitute a quorum.~~

(3)(2) In appointing members to the board who are pilots, the Governor shall appoint one member from the state at large; one member from any of the following ports: Pensacola, Panama City, or Port St. Joe; one member from any of the following ports: Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key West; one member from any of the following ports: Fernandina, Jacksonville, or Port Canaveral; and one member from any of the following ports: Ft. Pierce, Miami, Port Everglades, or Palm Beach.

Section 341. Section 310.071, Florida Statutes, is amended to read:

310.071 Deputy pilot certification.—

(1) In addition to meeting other requirements specified in this chapter, each applicant for certification as a deputy pilot must:

(a) Be at least 21 years of age, as evidenced by a copy of a birth certificate or other legal proof of age.

(b) Have successfully completed 12 years of formal education, as evidenced by a high school diploma or by equivalent evidence thereof that is satisfactory to the board.

(c) Be in good physical and mental health, as evidenced by documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician within the preceding 6 months. *The board shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician and that controlled substance was prescribed by that physician. To maintain eligibility as a certificated deputy pilot, each certificated deputy pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder satisfactorily meets the standards. The standards for certificateholders shall include a drug test.*

(d) Have had maritime experience satisfactory to the board prior to taking the examination required under s. 310.081(2), as evidenced by documentation of the following service while holding a United States Coast Guard license:

1. At least 2 years of service at sea during the 5-year period immediately preceding the examination, 1 year of which must have been in at least the capacity of an unlimited second mate;

2. At least 2 years of service during the 5-year period immediately preceding the examination in a deepwater United States port as an active first-class unlimited pilot serving on at least an unlimited second mate's license or a license as master of freight and towing vessel of at least 1,600 ~~not less than 1,000~~ gross registered tons upon oceans, and acting under authority of a duly constituted governmental regulatory entity;

3. At least 2 years of service during the 5-year period immediately preceding the examination as an active first-class unlimited pilot serving on a Great Lakes unlimited master's license; ~~or~~

4. At least 2 years of towing experience during the 5-year period immediately preceding the examination, 1 year of which must have been in the capacity of master of a tugboat/barge combination of at least 5,000 gross registered tons, combined tonnage, while holding a license as master of freight and towing vessel of at least 1,600 ~~1,000~~ gross registered tons upon oceans; ~~or~~

5. At least 3 years of experience as a deck watch officer during the 10-year period immediately preceding the examination, 1 year of which in the 5-year period immediately preceding the exam must have been as the commanding officer, executive officer, or operations officer of a United States Navy vessel or a United States Coast Guard vessel of at least 1,600 gross tons, and must currently hold a United States Coast Guard license of at least an unlimited second mate.

~~However, except as provided in paragraph (f), the applicant may not be qualified for certification by the board unless he holds a valid license issued by the United States Coast Guard of an equal or higher grade than the lowest grade of license issued by the United States Coast Guard held by any licensed state pilot in the port in which he seeks certification, notwithstanding subparagraphs 1., 2., 3., and 4.~~

(e) Submit full documentation of sea time through discharges, continuous discharge books, or other official documents.

(f) Submit proof of sufficient maritime background and experience, except for required trips, to enable the applicant, if not already so licensed, to be eligible to obtain a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port in which service as a deputy pilot is intended within 90 days of the appointment as a deputy pilot.

(2) The board may adopt rules authorizing equivalent combinations of service from two or more of the areas specified in subparagraphs (1)(d)1., 2., 3., and 4., and 5. However, the board may waive the maritime experience requirements prescribed in paragraph (1)(d) when necessary to fill an opening, provided an applicant meeting such requirements has not applied for the opening and the opening has been advertised more than once.

(3) The initial certificate issued to a deputy pilot shall be valid for a period of 12 ~~9~~ months, and at the end of this period, the certificate shall automatically expire and shall not be renewed. During this period, the board shall thoroughly evaluate the deputy pilot's performance for suitability to continue training and shall make appropriate recommendations to the department. Upon receipt of a favorable recommendation by the board, the department shall issue a certificate to the deputy pilot, which shall be valid for a period of 2 years. The certificate may be renewed only two times, except in the case of a fully licensed pilot who is cross licensed as a deputy pilot in another port, and ~~as necessary~~, provided the deputy pilot meets the requirements specified for pilots in paragraph (1)(c).

Section 342. Subsection (3) of section 310.073, Florida Statutes, is amended to read:

310.073 State pilot licensing.—In addition to meeting other requirements specified in this chapter, each applicant for license as a state pilot must:

(3) Be in good physical and mental health, as evidenced by documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician within the preceding 6 months. *The board shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the profes-*

sional duties of a licensed state pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician and that controlled substance was prescribed by that physician. To maintain eligibility as a licensed state pilot, each licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the licensee satisfactorily meets the standards. The standards for licensees shall include a drug test.

Section 343. Subsection (2) and paragraph (b) of subsection (3) of section 310.081, Florida Statutes, are amended to read:

310.081 Department to examine and license state pilots and certificate deputy pilots; vacancies.—

(2) The department shall similarly examine persons who file applications for certificate as deputy pilot, and, if upon examination to determine proficiency the department finds them qualified, the department shall certify as qualified all applicants who pass the examination, provided that not more than five persons who passed the examination are certified for each declared opening. If more than five applicants per opening pass the examination, the persons having the highest scores shall be certified as qualified up to the number of openings times 5. The department shall give consideration to the minority and female status of applicants when qualifying deputy pilots, in the interest of ensuring diversification within the state piloting profession. The department shall appoint and certificate such number of deputy pilots from those applicants deemed qualified as in the discretion of the board are required in the respective ports of the state. A deputy pilot shall be authorized by the department to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

(3) Pilots shall hold their licenses or certificates pursuant to the requirements of this chapter so long as they:

(b) Are in good physical and mental health as evidenced by documentary proof of having satisfactorily passed a physical examination administered by a licensed physician or physician assistant within each calendar year. The board shall adopt rules to establish requirements for passing the physical examination, which rules shall establish minimum standards for the physical or mental capabilities necessary to carry out the professional duties of a licensed state pilot or a certificated deputy pilot. Such standards shall include zero tolerance for any controlled substance regulated under chapter 893 unless that individual is under the care of a physician and that controlled substance was prescribed by that physician. To maintain eligibility as a certificated deputy pilot or licensed state pilot, each certificated deputy pilot or licensed state pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician. The physician must know the minimum standards and certify that the certificateholder or licensee satisfactorily meets the standards. The standards for certificateholders and for licensees shall include a drug test.

Upon resignation or in the case of disability permanently affecting a pilot's ability to serve, the state license or certificate issued under this chapter shall be revoked by the department.

Section 344. Paragraph (f) of subsection (1) and paragraphs (d) and (f) of subsection (2) of section 310.101, Florida Statutes, are amended, and paragraphs (m) and (n) are added to subsection (1) of said section, to read:

310.101 Grounds for disciplinary action by the board.—

(1) Any act of misconduct, inattention to duty, negligence, or incompetence; any willful violation of any law or rule, including the rules of the road, applicable to a licensed state pilot or certificated deputy pilot; or any failure to exercise that care which a reasonable and prudent licensed state pilot or certificated deputy pilot would exercise under the same or similar circumstances may result in disciplinary action. Examples of acts by a licensed state pilot or certificated deputy pilot which constitute grounds for disciplinary action include, but are not limited to:

(f) Having a license or certificate to practice piloting revoked, or suspended, restricted, placed on probation, or in any way acted against, including, but not limited to, the relinquishing or depositing of the

license or certificate in lieu of further disciplinary action, in anticipation of the filing of charges, or in lieu of prosecution, by the regulatory authority of another state, the Federal Government, a territory, or another country for an act which would constitute a ground for discipline if the act had occurred while piloting under authority of the Florida state pilot's license or deputy pilot's certificate.

(m) Having a license to operate a motor vehicle revoked, suspended, or otherwise acted against by any jurisdiction, including its agencies or subdivisions, for operating the vehicle under the influence of alcohol or drugs. The jurisdiction's acceptance of a relinquishment of license, stipulation, consent order, plea of nolo contendere, penalty in any form, or other settlement offered in response to or in anticipation of the filing of charges related to the license to operate a motor vehicle shall be construed as action against the license.

(n) Being unable to perform piloting with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, or chemicals.

(2) When the board finds any person has committed any act set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(d) Imposing an administrative fine not to exceed \$5,000 \$1,000 for each count or separate offense.

(f) Placing the licensed state pilot or certificated deputy pilot on probation for such period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the pilot to submit to treatment, submit to additional or remedial training, submit to reexamination, or undergo a complete physical examination.

Section 345. Section 310.102, Florida Statutes, is created to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(1) The department shall, by rule, designate approved treatment programs for pilots and deputy pilots under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the Impaired Practitioners Committee.

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department, and at least one consultant must be a practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a pilot or deputy pilot is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a pilot or deputy pilot licensed or certificated by the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the pilot's or deputy pilot's ability to practice with skill and safety, and no complaint against the pilot or deputy pilot other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of s. 455.255 if the probable cause panel finds:

1. The pilot or deputy pilot has acknowledged the impairment problem.
2. The pilot or deputy pilot has voluntarily enrolled in an appropriate, approved treatment program.
3. The pilot or deputy pilot has voluntarily withdrawn from piloting or limited the scope of piloting as determined by the panel, in each case, until such time as the panel is satisfied the pilot or deputy pilot has successfully completed an approved treatment program.
4. The pilot or deputy pilot has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the pilot or deputy pilot, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the pilot's or deputy pilot's impairment and his or her participation in a treatment program.

(b) If, however, the pilot or deputy pilot agrees to withdraw from piloting until such time as the consultant determines the pilot or deputy pilot has satisfactorily completed an approved treatment program or evaluation, the probable cause panel shall not become involved in the pilot's or deputy pilot's case.

(c) Inquiries related to impairment treatment programs designed to provide information to the pilot or deputy pilot and others and which do not indicate that the pilot or deputy pilot presents a danger to the public shall not constitute a complaint within the meaning of s. 455.255 and shall be exempt from the provisions of this subsection.

(d) Whenever the department receives a legally sufficient complaint alleging that a pilot or deputy pilot is impaired as described in paragraph (a) and no complaint against the pilot or deputy pilot other than impairment exists, the department shall forward all information in its possession regarding the impaired pilot or deputy pilot to the consultant.

(e) (confidentiality provision to be provided in separate legislation as required by s. 24(c), Art. I of the State Constitution).

(f) A finding of probable cause shall not be made as long as the panel is satisfied, based upon information it receives from the consultant and the department, that the pilot or deputy pilot is progressing satisfactorily in an approved treatment program.

(4) In any disciplinary action for a violation other than impairment, if a pilot or deputy pilot establishes that the violation for which the pilot or deputy pilot is being prosecuted was due to or connected with impairment and further establishes that the pilot or deputy pilot is satisfactorily progressing through or has successfully completed an approved treatment program pursuant to this section, such information may be considered by the board as a mitigating factor in determining the appropriate penalty. This subsection does not limit mitigating factors the board may consider.

(5) (confidentiality provision to be provided in separate legislation as required by s. 24(c), Art. I of the State Constitution).

(6) (confidentiality provision to be provided in separate legislation as required by s. 24(c), Art. I of the State Constitution).

Section 346. Section 310.1112, Florida Statutes, is created to read:

310.1112 Motor vehicle reports.— Each licensed state pilot or certificated deputy pilot shall have a duty to report within 48 hours any jurisdiction's revocation or suspension of, or any action against, that pilot's or deputy pilot's license to operate a motor vehicle under circumstances involving alcohol or drugs. The jurisdiction's acceptance of a relinquishment of license, stipulation, consent order, plea of nolo contendere, or other settlement offered in response to or in anticipation of the filing of charges related to the license to operate a motor vehicle shall be construed as action against the license.

Section 347. Section 310.121, Florida Statutes, is amended to read:

310.121 Application, examination, and biennial fees for licenses and certificates.—

(1) The department shall, in accordance with rules set by the board, assess and collect the following fees:

(a) A fee not to exceed \$300 for each application for licensure as a state pilot or certification as a deputy pilot. This fee shall be nonrefundable.

(b) A fee not to exceed \$300 for each examination for licensure as a state pilot or certification as a deputy pilot.

(c) A fee not to exceed \$300 for each examination review.

(2) The department shall assess and collect biennially from each licensed state pilot and each certificated deputy pilot a fee, not to exceed \$200 in the case of a licensed state pilot or \$100 in the case of a certificated deputy pilot, such fees to be set by the board.

Section 348. Section 310.131, Florida Statutes, is amended to read:

310.131 Assessment of percentage of gross pilotage.—The department shall assess the licensed state pilots in the respective ports of the state a percentage of the gross amount of pilotage earned by such pilots during each year, which percentage will be established by the board not to exceed 2 percent, to be paid into the Professional Regulation Trust

Fund by such pilots at such time and in such manner as the board prescribes or as is set forth in the General Appropriations Act. The financial records of all pilots and deputy pilots relating to pilotage are subject to audit by the department and the Auditor General. The department shall by rule set a procedure for verifying the amount of pilotage at each port and may charge costs to the appropriate port if the port does not comply with such procedure.

Section 349. Section 310.141, Florida Statutes, is amended to read:

310.141 Vessels subject to pilotage.—

(1) All vessels, ~~except vessels exempted by the laws of the United States or vessels drawing less than 7 feet of water,~~ shall have a licensed state pilot or certificated deputy pilot on board to direct the movements of the vessel when entering or leaving ports of this state or when underway upon the navigable waters of the bays, rivers, harbors, and ports of this state, except:

(a) ~~Vessels exempted by the laws of the United States; When docking or undocking; or~~

(b) ~~Mono-hulled vessels drawing less than 7 feet of water; When moving about within a shipyard or moving between a shipyard and a berth or slip directly adjacent to the shipyard.~~

(c) ~~Multi-hulled, swath, or nondisplacement vessels for which the product of the length overall and extreme beam is less than 6,000 square feet, and which draw less than 7 feet of water;~~

(d) Any vessel, when docking or undocking; or

(e) Any vessel, when moving about within a shipyard or moving between a shipyard and a berth or slip directly adjacent to the shipyard.

(2) A vessel is docking or undocking when a tug or tugs are assisting the vessel, or the vessel is making use of a bow thruster or other lateral thrust devices incorporated into the vessel itself, in close proximity to the dock, with the vessel under the direction or control of the master, docking master, licensed state pilot, or certificated deputy pilot. If the vessel that is docking or undocking is under the direction or control of the master or docking master, such direction or control must have been delivered from the licensed state pilot or be in the process of being delivered to the licensed state pilot.

(3) Nothing ~~contained~~ in this section shall be construed to deny the services of a licensed state pilot to a vessel otherwise exempt who applies for such service.

Section 350. Section 310.146, Florida Statutes, is amended to read:

310.146 Exemption from pilotage.—

(1) United States vessels are exempted from the provisions of this chapter while transiting a private channel built, marked, maintained, and controlled for one-way traffic by a public utility for the sole purpose of servicing that facility and while under the control of a validly licensed federal pilot.

(2) Any vessel is exempted from the provisions of this chapter while transiting the Miami River as a dead ship under the control of tugboats operated by federally licensed personnel.

Section 351. Section 310.151, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 310.151, F.S., for present text.)

310.151 Rates of pilotage; Pilotage Rate Review Board.—

(1)(a) For the purposes of this section, "board" means the Pilotage Rate Review Board.

(b)1. To carry out the provisions of this section, the Pilotage Rate Review Board is created within the Department of Business and Professional Regulation. Members shall be appointed by the Governor, subject to confirmation by the Senate. Members shall be appointed for 4-year terms, except as otherwise specified in this paragraph. No member may serve more than two consecutive 4-year terms or more than 11 years on the board. The board shall consist of seven members. No member may have ever served as a state pilot or deputy pilot, and no member may currently serve or have served as a direct employee, contract employee, part-

ner, corporate officer, sole proprietor, or representative of any vessel operator, shipping agent, or pilot association or organization, except that one member shall be or have been a person licensed by the United States Coast Guard as an unlimited master, without a first-class pilot's endorsement, initially appointed to a 2-year term. One member shall be a certified public accountant with at least 5 years' experience in financial management, initially appointed to a 3-year term. One member shall be a former hearing officer, as defined in s. 120.65, or a former judge who has served on the Supreme Court or any district court of appeal, circuit court, or county court, initially appointed to a 4-year term. Except as otherwise provided in subparagraph 2., the remaining members shall be appointed by the Governor from among persons not prohibited pursuant to this paragraph. Members of the board shall be appointed so as to be geographically distributed, with the southern, central, northeastern, and northwestern regions of the state having at least one member each.

2. Three members shall be the consumer members of the Board of Pilot Commissioners serving on that board as of January 1, 1994. Of those members, one shall be appointed to a 1-year term, one shall be appointed to a 2-year term, and one shall be appointed to a 3-year term. Each of those members shall be eligible for reappointment in the same fashion as other members of the board, but, thereafter, no member of the board shall be a current or former member of the Board of Pilot Commissioners. The service of the consumer members of the Board of Pilot Commissioners on this board, while they are maintaining concurrent membership with the Board of Pilot Commissioners, shall be considered duties in addition to and related to their duties on the Board of Pilot Commissioners. In the event that any of the three board members stipulated according to this subparagraph are unable to serve, the Governor shall fill the position or positions by appointment from among persons not prohibited pursuant to this paragraph.

(c) The board is authorized to adopt such rules as are consistent with law and necessary to carry out the duties and authority conferred on it by this section. The department shall provide the staff required by the board to carry out its duties under this section.

(d) All funds received pursuant to this section shall be placed in the account of the Board of Pilot Commissioners, and the Board of Pilot Commissioners shall pay for all expenses incurred pursuant to this section.

(2) Any pilot, group of pilots, or other person or group of persons whose substantial interests are directly affected by the rates established by the board may apply to the board for a change in rates. However, an application for a change in rates shall not be considered for any port for which rates have been changed by this board in the 18 months preceding the filing of the application. All applications for changes in rates shall be made to the board, in writing, pursuant to rules prescribed by the board. In the case of an application for a rate change on behalf of a pilot or group of pilots, the application shall be accompanied by a consolidated financial statement, statement of profit or loss, and balance sheet prepared by a certified public accountant of the pilot or group of pilots and all relevant information, fiscal and otherwise, on the piloting activities within the affected port area, including financial information on all entities owned or partially owned by the pilot or group of pilots which provide pilot-related services in the affected port area. In the case of an application for a rate change filed on behalf of persons other than a pilot or group of pilots, information regarding the financial state of interested parties other than pilots shall be required only to the extent that such financial information is made relevant by the application or subsequent argument before the board. The board shall have the authority to set, by rule, a rate review application fee of up to \$1,000, which must be submitted to the board upon the filing of the application for a rate change.

(3) The board shall investigate and determine whether the requested rate change will result in fair, just, and reasonable rates of pilotage pursuant to rules prescribed by the board. In addition to publication as required by law, notice of a hearing to determine rates shall be mailed to each person who has formally requested notice of any rate change in the affected port area. The notice shall advise all interested parties that they may file an answer, an additional or alternative petition, or any other applicable pleading or response, within 30 days after the date of publication of the notice, and the notice shall specify the last date by which any such pleading must be filed. The board may, for good cause, extend the period for responses to a petition. Multiple petitions filed in this manner do not warrant separate hearings, and these petitions shall be consolidated to the extent that it shall not be necessary to hold a separate hearing on each petition. The board shall conclude its investigation, conduct

a public hearing, and determine whether to modify the existing rates of pilotage in that port within 60 days after the filing of the completed application, except that the board may not be required to complete a hearing for more than one port within any 60-day period. Hearings shall be held in the affected port area, unless a different location is agreed upon by all parties to the proceeding.

(4) The applicant shall be given written notice, either in person or by certified mail, that the board intends to modify the pilotage rates in that port and that the applicant may, within 21 days after receipt of the notice, request a hearing pursuant to the Administrative Procedure Act. Notice of the intent to modify the pilotage rates in that port shall also be published in the Florida Administrative Weekly and in a newspaper of general circulation in the affected port area and shall be mailed to any person who has formally requested notice of any rate change in the affected port area. Within 21 days after receipt or publication of notice, any person whose substantial interests will be affected by the intended board action may request a hearing pursuant to the Administrative Procedure Act. If the board concludes that the petitioner has raised a disputed issue of material fact, the board shall designate a hearing, which shall be conducted by formal proceeding before a hearing officer assigned by the Division of Administrative Hearings pursuant to s. 120.57(1), unless waived by all parties. The failure to request a hearing within 21 days after receipt or publication of notice shall constitute a waiver of any right to an administrative hearing and shall cause the order modifying the pilotage rates in that port to be entered. If an administrative hearing is requested pursuant to this subsection, notice of the time, date, and location of the hearing shall be published in the Florida Administrative Weekly and in a newspaper of general circulation in the affected port area and shall be mailed to the applicant and to any person who has formally requested notice of any rate change for the affected port area.

(5)(a) In determining whether the requested rate change will result in fair, just, and reasonable rates, the board shall give primary consideration to the public interest in promoting and maintaining efficient, reliable, and safe piloting services.

(b) The board shall also give consideration to the following factors:

1. The public interest in having qualified pilots available to respond promptly to vessels needing their service.
2. A determination of the average net income of pilots in the port, including the value of all benefits derived from service as a pilot. For the purposes of this subparagraph, "net income of pilots" refers to total pilotage fees collected in the port, minus reasonable operating expenses, divided by the number of licensed and active state pilots within the ports.
3. Reasonable operating expenses of pilots.
4. Pilotage rates in other ports.
5. The amount of time each pilot spends on actual piloting duty and the amount of time spent on other essential support services.
6. The prevailing compensation available to individuals in other maritime services of comparable professional skill and standing as that sought in pilots, it being recognized that in order to attract to the profession of piloting, and to hold the best and most qualified individuals as pilots, the overall compensation accorded pilots should be equal to or greater than that available to such individuals in comparable maritime employment.
7. The impact rate change may have in individual pilot compensation and whether such change will lead to a shortage of licensed state pilots, certificated deputy pilots, or qualified pilot applicants.
8. Projected changes in vessel traffic.
9. Cost of retirement and medical plans.
10. Physical risks inherent in piloting.
11. Special characteristics, dangers, and risks of the particular port.
12. Any other factors the board deems relevant in determining a just and reasonable rate.

(c) The board may take into consideration the consumer price index or any other comparable economic indicator when fixing rates of pilotage; however, because the consumer price index or such other comparable economic indicator is primarily related to net income rather than rates, the board shall not use it as the sole factor in fixing rates of pilotage.

(6) The board shall fix rates of pilotage pursuant to this section based upon the following vessel characteristics:

- (a) Length.
- (b) Beam.
- (c) Net tonnage, gross tonnage, or dead weight tonnage.
- (d) Freeboard or height above the waterline.
- (e) Draft or molded depth.

(f) Any combination of the vessel characteristics listed in this subsection or any other relevant vessel characteristic or characteristics.

Section 352. The rates of pilotage in effect on the effective date of this act shall be collectible and enforceable until the Pilotage Rate Review Board shall fix different rates of pilotage as provided in section 310.151, Florida Statutes, except that, as of July 1, 1994, all rates set by the Board of Pilot Commissioners after January 1, 1994, are void and shall return to the previously established rates.

Section 353. Section 310.183, Florida Statutes, is created to read:

310.183 Immediate inactivation of license or certificate for certain violations; rules.—

(1) The department shall issue an emergency order placing on inactive status, for a period not to exceed 15 days, the license of any pilot or certificate of any deputy pilot who, while providing piloting services, is involved in a marine incident that results in the death of a human or, as determined by rule of the board, substantial physical injury to a human or significant property or environmental damage, unless the department determines that the incident is clearly not the result of the actions of the pilot or deputy pilot.

(2) No later than January 1, 1995, the board shall adopt rules to administer the provisions of this section and shall have continuing authority to amend any such rules it has adopted by that deadline. However, if the board fails to adopt such rules by that deadline, the department shall have exclusive authority to adopt such rules.

Section 354. Subsection (1) of section 310.185, Florida Statutes, is amended to read:

310.185 Rulemaking.—

(1) The board shall have the power to adopt rules necessary to the provisions of this chapter act, in conformance with the provisions of chapter 120.

Section 355. The Legislative Information Technology Resource Committee shall undertake a study to explore the possibility of requiring pilots to employ satellite tracking of vessels, integrated radar and satellite tracking of vessels, audio recording of communications between the pilot and ship's bridge crew, and related technologies that may assist in the navigation and tracking of vessels that transit the waters of this state. The committee shall prepare a report of its findings and provide a copy of that report to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 1995.

Section 356. Sections 338 through 355 shall take effect upon becoming a law, except that the creation of s. 310.102, Florida Statutes, by this act shall take effect only if House Bill 2483 or similar legislation creating the exemptions from public records requirements necessary to properly carry out the treatment program for impaired pilots and deputy pilots created in that section is passed at the same legislative session or an extension thereof.

Section 357. Except as otherwise provided herein, this act shall take effect July 1, 1994.

And the title is amended as follows:

Strike the entire title and insert: A bill to be entitled An act relating to regulation of professions; amending s. 20.165, F.S.; renaming the Division of Technology, Testing, and Training of the Department of Business and Professional Regulation as the Division of Technology, Licensure, and Testing; establishing additional boards within the Division of Professions and the Division of Medical Quality Assurance; amending s. 215.37, F.S.; requiring the department to request that professional boards within the department submit their proposed budgets prior to development of

the department's legislative budget request; clarifying that the requirements for depositing fees into the Professional Regulation Trust Fund and the payment of service charges with respect thereto apply only with respect to professional regulation by the department and the boards within the department; amending s. 455.207, F.S.; providing that the membership of committees established by boards within the department must consist of currently appointed members of the appointing board unless otherwise specified by law; creating s. 455.2121, F.S.; providing for continued accreditation of programs and institutions under certain circumstances; amending s. 455.217, F.S.; authorizing additional procedures the department may employ to maintain the security of professional examinations; conforming terminology; creating s. 455.2171, F.S.; authorizing the department to use professional testing services for computerized examinations; amending s. 455.221, F.S.; revising provisions relating to legal and investigative services of the department and the boards; providing that persons under contract with the department to help investigate and resolve complaints and application checks shall be considered agents of the department for certain insurance and immunity protections; amending s. 455.2235, F.S.; requiring each board, or the department when there is no board, to adopt rules designating which violations of the applicable professional practice act are appropriate for mediation; providing a timetable for the boards to act, after which the department shall have exclusive authority to adopt such rules; amending s. 455.227, F.S.; revising and providing grounds for disciplinary action; revising and providing penalties; reenacting ss. 455.232(2), 468.1755(1)(a), 475.25(1)(a), 475.624(1), 476.204(1)(h), 477.029(1)(h), and 489.116(1), F.S., relating to disclosure of confidential information, to discipline of nursing home administrators, real estate brokers, salespersons, schools, and appraisers, barbers, and cosmetologists, and to inactive and delinquent status of construction contractors, to incorporate the amendment to s. 455.227, F.S., in references thereto; amending s. 455.228, F.S.; authorizing the issuance of citations for unlicensed practice of a profession; providing penalties; providing for allocation to the various professions of the fines, fees, and other costs collected as a result of violations related to such unlicensed practice; amending s. 455.2281, F.S.; providing that the department alone is to impose the special fee per license to cover enforcement costs of regulating the professions; amending s. 455.229, F.S.; clarifying provisions applicable to public inspection of information required from applicants; creating s. 455.271, F.S.; providing for inactive and delinquent status; creating s. 455.273, F.S.; providing for renewal and cancellation notices; creating s. 455.275, F.S.; providing for maintenance of current address-of-record information; amending s. 468.385, F.S.; revising a prohibition against licensure as an auctioneer or auctioneer's apprentice; amending s. 468.387, F.S., relating to licensing of nonresidents; eliminating an irrevocable written consent relating to certain service of process; amending s. 468.389, F.S.; authorizing restitution to a consumer as a disciplinary action of the department against auctioneers; amending s. 468.401, F.S.; revising definitions applicable to regulation of talent agencies; amending s. 468.402, F.S.; revising and providing disciplinary grounds and actions applicable to persons violating provisions related to talent agencies; amending s. 468.403, F.S.; revising talent agency licensure requirements; amending s. 468.404, F.S.; deleting provisions relating to rules for a procedure for biennial renewal of talent agency licenses; revising fee terminology; increasing the charge for recording name or location changes; amending s. 468.406, F.S.; requiring an itemized schedule of fees, charges, and commissions along with an application; amending s. 468.407, F.S.; eliminating a fine for failure to display talent agency license; amending s. 468.409, F.S.; revising recordkeeping requirements; amending s. 468.410, F.S.; prohibiting agencies from requiring applicants or artists to purchase certain things or attend certain schools or workshops as a condition of registering or obtaining employment for that person; providing penalties; amending s. 468.412, F.S.; providing that a talent agency may not divide fees with any venue that uses entertainment; amending s. 468.413, F.S.; providing applicability of habitual felony offender penalties to certain acts; amending s. 468.452, F.S.; redefining "athlete agent"; amending s. 468.520, F.S.; revising definitions and exemptions applicable to regulation of employee leasing companies; amending s. 468.521, F.S.; increasing membership of the Board of Employee Leasing Companies; amending ss. 468.522, 468.533, and 468.534, F.S.; revising terminology; amending s. 468.523, F.S.; applying other provisions relating to activities of regulatory boards to regulations for employee leasing companies; amending s. 468.524, F.S.; revising license application requirements; creating s. 468.5245, F.S., related to change of ownership; amending s. 468.525, F.S.; revising license requirements; amending s. 468.526, F.S.; revising annual assessment provisions; amending s. 468.527, F.S.; providing an editorial change; creating s. 468.5275, F.S.; providing for registration and exemption of de minimis operations; establishing fees; amend-

ing s. 468.528, F.S.; revising provisions related to inactive status of licenses; amending s. 468.529, F.S.; revising various insurance and benefit requirements; amending s. 468.530, F.S.; providing identification requirements for advertisements; amending s. 468.531, F.S.; prohibiting practice as an employee leasing company or company group unless all controlling persons thereof are licensed, for which there are penalties; amending s. 468.532, F.S.; revising and providing disciplinary grounds and actions; creating s. 468.535, F.S.; providing for investigations, audits, and reviews; amending s. 468.602, F.S.; providing exemptions from provisions regulating building code administrators and inspectors; amending s. 468.603, F.S.; revising definitions; amending s. 468.605, F.S.; increasing membership on the Florida Building Code Administrators and Inspectors Board; amending s. 468.609, F.S.; revising the requirements to take the examination for certification as a building code administrator, plans examiner, or inspector; revising requirements with respect to persons holding such an office on a specified date; authorizing the board to create additional certification categories and providing restrictions on those categories; creating ch. 469, F.S.; providing regulation of asbestos abatement and related work; providing definitions; providing exemptions; requiring licensure and providing licensure requirements, including categories of licensure; providing requirements and responsibilities of business organizations and qualifying agents; providing fees; providing grounds for license revocation or suspension and for denial of licensure or license renewal; providing rulemaking authority to the Department of Business and Professional Regulation; requiring certain course requirements of onsite supervisors, asbestos abatement workers, and asbestos surveyors, management planners, and project monitors; providing for approval of asbestos training courses and providers; providing for seals; repealing ss. 455.301-455.310, F.S., relating to asbestos abatement; amending ss. 255.553 and 553.79, F.S.; correcting cross references; providing an appropriation relating to asbestos abatement; amending s. 470.002, F.S.; defining the term "disinterment"; amending s. 470.006, F.S.; providing a fee for provisional licensure as an embalmer; revising embalmer internship provisions; amending s. 470.007, F.S.; revising certain examination requirements for licensure as an embalmer by endorsement; prohibiting registration as a temporary embalmer under certain circumstances; providing a fee for renewal of registration as a temporary embalmer; amending s. 470.008, F.S.; including centralized embalming facilities in the embalmer internship program; revising requirements of the program; amending s. 470.009, F.S.; providing a fee for provisional licensure as a funeral director; revising funeral director internship provisions; amending s. 470.011, F.S.; revising certain examination requirements for licensure as a funeral director by endorsement; prohibiting registration as a temporary funeral director under certain circumstances; providing a fee for renewal of registration as a temporary funeral director; amending s. 470.012, F.S.; revising requirements of the funeral director internship program; amending s. 470.013, F.S.; requiring licensed funeral directors and embalmers to affix to their displayed licenses a recent photograph of themselves; amending s. 470.0165, F.S.; prohibiting direct disposers or funeral directors functioning as direct disposers from selling, conducting, or arranging for burials; amending s. 470.017, F.S.; revising educational requirements for registration as a direct disposer; requiring registered direct disposers to affix to their displayed registrations a recent photograph of themselves; amending s. 470.019, F.S.; revising and providing grounds for disciplinary action against direct disposers and direct disposal establishments; increasing the administrative fine that may be imposed; amending s. 470.0201, F.S.; revising provisions relating to educational requirements relating to communicable diseases for nonlicensed individuals intending to be employed as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration service, or centralized embalming facility; amending s. 470.021, F.S.; including licensed funeral directors acting as direct disposers in provisions relating to registration of direct disposal establishments; amending s. 470.024, F.S.; providing additional requirements of funeral directors in charge of licensed funeral establishments; amending s. 470.025, F.S.; prohibiting a direct disposer from being in charge of a cinerator facility that is located at the same address as a funeral establishment; amending s. 470.029, F.S.; revising reporting requirements relating to bodies embalmed or otherwise handled or to disinterments; creating s. 470.0295, F.S.; providing requirements relating to disinterment; amending s. 470.0301, F.S.; revising registration and other requirements of removal services, refrigeration facilities, and centralized embalming facilities; amending s. 470.034, F.S.; eliminating a ground for disciplinary action relating to certain disclosures in response to a general telephone inquiry; amending s. 470.036, F.S.; revising certain grounds for disciplinary action to apply to removal services and refrigeration services and others to provide additional requirements with respect to oral permission for certain actions; reenacting s.

497.305(1)(f), F.S., relating to the cremation of human remains by a cemetery company, to incorporate the amendment to s. 470.025, F.S., in a reference thereto; amending s. 471.003, F.S.; revising an exemption from registration as an engineer applicable to certain faculty members; providing exemptions for certain persons employed by county property appraisers and the Department of Revenue; reenacting s. 471.037(2), F.S., relating to the issuance of local building permits, to incorporate the amendment to s. 471.003, F.S., in a reference thereto; amending s. 471.015, F.S.; revising licensure qualifications of engineers; authorizing the requirement of a personal appearance, subject to prior notice; amending s. 472.005, F.S.; revising definitions relating to regulation of land surveying to eliminate reference to "land" and to include reference to "mapping"; defining "photogrammetric mapper"; amending s. 472.007, F.S.; increasing membership of the Board of Professional Surveyors and Mappers; amending s. 472.008, F.S.; deleting the requirement for board rules on financial responsibility; amending s. 472.011, F.S.; providing for board rule for delinquency fees rather than late renewal penalty fees; providing application fees for providers of continuing education; amending s. 472.013, F.S.; eliminating a qualifying prerequisite to taking the licensure examination and providing for future repeal of other qualifying prerequisites; amending s. 472.015, F.S.; providing requirements for professional liability insurance; amending ss. 472.001, 472.003, 472.021, 472.023, 472.027, 472.029, 472.031, 472.037, 472.039, F.S., relating to land surveying, to conform; amending s. 472.033, F.S., relating to grounds for disciplinary action related to licensure status; creating s. 472.041, F.S.; providing a savings clause to automatically license specified persons as surveyors and mappers on a specified date; amending ss. 177.031, 177.061, 177.071, 177.091, 177.141, 177.151, 177.36, 177.503, 177.504, 177.507, 177.508, 177.509, 190.033, 287.055, 403.0877, 403.932, 440.02, 471.003, 481.219, 713.01, 713.03, 718.104, 810.12, F.S., to conform terminology; amending s. 28.222, F.S.; providing requirements for the recording of instruments relating to land surveying; amending s. 473.302, F.S.; revising and providing definitions with respect to the regulation of public accountancy; amending s. 473.306, F.S.; authorizing the Board of Accountancy to adopt an alternative licensure examination for Canadian chartered accountants; amending s. 473.308, F.S.; extending the waiver of certain educational requirements applicable to certain applicants for licensure as a public accountant; amending s. 474.202, F.S.; revising and providing definitions relating to the practice of veterinary medicine; amending s. 474.2065, F.S.; increasing the initial application and examination fee for veterinarians; eliminating reference to a fee cap for reactivation or renewal of an inactive license; amending s. 474.207, F.S.; revising provisions relating to licensure of veterinarians by examination; amending s. 474.2125, F.S.; revising provisions relating to temporary licenses issued to licensed veterinarians of another state, including shortening the period of validity of such licenses; amending s. 474.213, F.S.; providing additional grounds for discipline; amending s. 474.214, F.S., relating to disciplinary proceedings; providing penalties for practicing veterinary medicine with a delinquent license; correcting terminology; amending s. 474.215, F.S.; prescribing standards for the operation of limited service facilities; requiring a permit and providing for a fee; amending s. 475.01, F.S.; defining terms applicable to the regulation of real estate brokers, salespersons, and schools; amending s. 475.011, F.S.; exempting from regulation as a real estate broker, salesperson, or school certain persons or entities involved in the renting of public lodging establishments for transient occupancy; amending s. 475.15, F.S.; clarifying a provision relating to cancellation of registration of a partnership; amending s. 475.17, F.S.; revising qualifications for practice with respect to other jurisdictions; creating s. 475.180, F.S.; providing reciprocity provisions for nonresident licenses; amending s. 475.181, F.S., relating to licensure, to conform; amending s. 475.182, F.S.; modifying continuing education requirements for renewal of a license as a real estate broker, broker-salesperson, or salesperson; amending s. 475.25, F.S.; revising grounds for disciplinary and other action relating to criminal convictions and related confinement and to certain required notice relating to a sale, exchange, purchase, or lease of real property or any interest in real property; providing grounds for disciplinary and other action relating to action against a license or registration; creating s. 475.255, F.S.; providing that the mere payment or promise to pay compensation to a licensee does not determine whether an agency or transactional brokerage relationship exists between the licensee and a seller, landlord, buyer, or tenant; amending s. 475.455, F.S.; eliminating a provision relating to certain notice by the Florida Real Estate Commission to licensees regarding discipline by other state agencies; amending ss. 475.482, 475.483, and 475.484, F.S., relating to the Real Estate Recovery Fund; revising conditions for receipt of a distribution from the fund; providing requirements for recovery when bankruptcy is a factor; providing additional conditions that constitute disqualification

for a claim; providing for proration of claims under certain conditions; amending s. 475.5017, F.S.; providing for assignment of civil actions; providing for payment of expenses of receiver; amending s. 475.611, F.S.; providing a definition for purposes of service on a probable cause panel; amending s. 475.624, F.S., relating to grounds for discipline or other action against a real estate appraiser; providing clarification; amending s. 477.013, F.S.; providing a definition applicable to regulation of cosmetology; requiring registration; providing for a fee; creating s. 477.0132, F.S.; providing for hair braiding registration; providing educational requirements; amending s. 477.026, F.S.; providing registration fees for hair braiders; amending s. 480.041, F.S.; increasing the minimum age required to qualify for licensure as a massage therapist; providing licensing procedures for certain out-of-state practitioners; amending s. 480.042, F.S.; eliminating the practical examination for licensure to practice massage; amending s. 481.213, F.S.; requiring certain internship for licensure as an architect; amending s. 481.215, F.S.; providing requirements relating to proof of continuing education applicable to architects; deleting provisions relating to automatic reverter to inactive status for a license to practice architecture or interior design; amending s. 481.329, F.S.; exempting golf course architects from regulation under part II of ch. 481, F.S., relating to landscape architecture; amending s. 484.0445, F.S.; providing for certain certification of sponsors and their designees under the hearing aid specialist training program; amending s. 484.045, F.S.; revising requirements for certain persons seeking licensure as a hearing aid specialist; amending s. 492.107, F.S., relating to seals to be used by licensed geologists; amending s. 457.107, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate to practice acupuncture; revising continuing education requirements; amending s. 457.108, F.S.; deleting provisions relating to automatic expiration of a certificate to practice acupuncture; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a certificate; amending s. 458.319, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice medicine; amending s. 458.321, F.S.; deleting provisions relating to automatic expiration of a license to practice medicine; deleting provisions relating to the fee for reactivating an inactive license to practice medicine; amending s. 458.327, F.S.; providing penalties for practicing medicine with a delinquent license; amending s. 459.008, F.S.; revising requirements for renewal of licenses and certificates to practice osteopathic medicine; deleting provisions relating to automatic reverter to inactive status of a license to practice osteopathic medicine; amending s. 459.009, F.S.; deleting provisions relating to automatic expiration of a license to practice osteopathic medicine; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 460.407(3)-(6), F.S., relating to automatic expiration of a license to practice chiropractic; amending s. 461.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice podiatry; amending s. 461.008, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license to practice podiatry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 462.08, F.S.; revising provisions governing the renewal of a license to practice naturopathy; amending s. 462.19, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice naturopathy and to reactivation of such license; amending s. 463.007, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice optometry; amending s. 463.008, F.S.; deleting provisions relating to reactivation of an inactive license to practice optometry; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 463.016, F.S.; providing penalties for practicing optometry with a delinquent license; repealing s. 464.013(4) and (5), F.S., relating to automatic reverter to inactive status of a license to practice nursing; amending s. 464.014, F.S.; deleting provisions relating to reactivation of an inactive license to practice nursing; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 465.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice pharmacy; amending s. 465.012, F.S.; deleting provisions relating to reactivation of an inactive license to practice pharmacy; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; repealing s. 466.013(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice dentistry; amending s. 466.015, F.S.; deleting provisions relating to reactivation of an inactive license to practice dentistry; providing for a delinquency fee; revising provisions relating to the amounts of cer-

tain fees; deleting the inactive application fee for reactivation of a license; repealing s. 467.012(4) and (5), F.S., relating to automatic reverter to inactive status of a license to practice midwifery; amending s. 467.013, F.S.; deleting provisions relating to renewal or reactivation of an inactive license to practice midwifery; amending s. 467.0135, F.S.; revising and providing fees relating to the practice of midwifery; providing a limit for those fees; repealing s. 468.1195(4) and (5), F.S., relating to automatic reverter to inactive status of a license as a speech-language pathologist or audiologist; amending s. 468.1205, F.S.; deleting provisions relating to reactivation of an inactive license as a speech-language pathologist or audiologist; amending s. 468.1225, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 468.1285, F.S.; providing penalties for practicing speech-language pathology or audiology with a delinquent license; amending s. 468.1295, F.S.; conforming a cross reference; revising and providing grounds for disciplinary action; amending s. 468.1715, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a nursing home administrator; amending s. 468.1725, F.S.; deleting provisions relating to reactivation of an inactive license as a nursing home administrator; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive status application fee for reactivation of a license; amending s. 468.1755, F.S.; providing penalties for practicing nursing home administration with a delinquent license; reenacting ss. 468.1695(3), 468.1735, and 468.1756, F.S., relating to licensure by examination, provisional licensure, and statute of limitations to incorporate the amendment to s. 468.1755, F.S., in references thereto; amending s. 468.219, F.S.; providing for continuing education requirements for renewal of licensure to practice occupational therapy; deleting provisions relating to expiration of a license to practice occupational therapy; amending s. 468.221, F.S.; providing for fees with respect to the practice of occupational therapy; amending s. 468.223, F.S.; providing penalties for practicing as an occupational therapist with a delinquent license; amending s. 468.361, F.S.; deleting provisions relating to automatic reverter to inactive status of a certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.363, F.S.; deleting provisions relating to automatic reverter to inactive status and to reactivation of an inactive certificate or registration as a respiratory care practitioner or respiratory therapist; amending s. 468.383, F.S.; exempting sales of the contents of self-contained storage units from provisions regulating auctioneers; repealing s. 468.3851(3) and (4), F.S., relating to automatic reverter to inactive status of an auctioneer's license; amending s. 468.3852, F.S.; deleting provisions relating to automatic expiration of an auctioneer's license; repealing s. 468.514(3) and (4), F.S., relating to automatic reverter to inactive status of a dietitian/nutritionist's license; repealing s. 468.515(4) and (5), F.S., relating to automatic expiration of a dietitian/nutritionist's license; amending s. 468.517, F.S.; providing penalties for practicing as a dietitian/nutritionist with a delinquent license; amending s. 468.518, F.S.; providing for disciplinary action against a person practicing as a dietitian/nutritionist with a delinquent license; repealing s. 468.549(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a wastewater treatment operator; repealing s. 468.550(3) and (4), F.S., relating to automatic expiration of a license as a wastewater treatment operator; amending s. 468.551, F.S.; providing penalties for acting as a wastewater treatment operator with a delinquent license; repealing s. 470.015(3) and (4), F.S., relating to automatic reverter to inactive status of a license as a funeral director and embalmer; amending s. 470.016, F.S.; deleting provisions relating to automatic expiration of a license as a funeral director and embalmer; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; repealing s. 470.018(3) and (4), F.S., relating to automatic reverter to inactive status of a registration as a direct disposer; amending s. 471.011, F.S.; revising fee terminology applicable to licensure as an engineer; repealing s. 471.017(3) and (4), F.S., relating to automatic reverter to inactive status of a license as an engineer; amending s. 471.019, F.S.; deleting provisions relating to reactivation of an inactive license as an engineer; amending s. 471.031, F.S.; providing penalties for practicing engineering with a delinquent license; reenacting s. 471.015(2), F.S., relating to licensure, to incorporate the amendment to s. 471.031, F.S., in a reference thereto; amending s. 471.033, F.S.; providing for disciplinary action against a person practicing engineering with a delinquent license; amending s. 472.017, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice surveying and mapping; amending s. 472.019, F.S.; deleting provisions relating to automatic expiration of a license to practice surveying and mapping; repealing s. 473.311(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice public accountancy; amending s. 473.313,

F.S.; deleting provisions relating to automatic expiration of a license to practice public accountancy; amending s. 473.322, F.S.; providing penalties for practicing public accountancy with a delinquent license; reenacting s. 473.308(2), F.S., relating to licensure, to incorporate the amendment to s. 473.322, F.S., in a reference thereto; amending s. 473.323, F.S.; providing for disciplinary proceedings against a person practicing public accountancy with a delinquent license; amending s. 474.211, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice veterinary medicine; repealing s. 474.212, F.S., relating to inactive status and renewal and reactivation of an inactive license to practice veterinary medicine; amending s. 476.155, F.S.; deleting provisions relating to automatic expiration of a barber's license; amending s. 477.0212, F.S.; deleting provisions relating to automatic expiration of a cosmetologist's license; amending s. 478.50, F.S.; deleting provisions relating to automatic expiration of a license to practice electrolysis; amending s. 480.0415, F.S.; deleting provisions relating to automatic reverter to inactive status of a license to practice massage; amending s. 480.0425, F.S.; deleting provisions relating to automatic expiration of a license to practice massage; amending s. 481.207, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as an architect or interior designer; providing a limit for the delinquency fee; amending s. 481.217, F.S.; deleting provisions relating to reactivation and to automatic expiration of an inactive license as an architect or interior designer; amending s. 481.223, F.S.; providing penalties for practicing architecture or interior design with a delinquent license; amending s. 481.225, F.S.; providing for disciplinary action for practicing architecture with a delinquent license; reenacting s. 481.213(4), F.S., relating to licensure, to incorporate the amendments to ss. 481.223 and 481.225, F.S., in references thereto; amending s. 481.307, F.S.; providing for a delinquency fee and deleting a late renewal fee for licensure as a landscape architect; providing a limit for the delinquency fee; repealing s. 481.313(3) and (4), F.S., relating to automatic reverter to inactive status of a license to practice landscape architecture; amending s. 481.315, F.S.; deleting provisions relating to automatic expiration of a license as a landscape architect; providing for a delinquency fee; deleting the inactive status application fee for reactivation of a license; amending s. 481.323, F.S.; providing penalties for practicing landscape architecture with a delinquent license; amending s. 481.325, F.S.; providing for disciplinary action against a person practicing landscape architecture with a delinquent license; reenacting s. 481.311(6), F.S., relating to licensure, to incorporate the amendment to s. 481.325, F.S., in a reference thereto; amending s. 483.807, F.S.; revising fee terminology applicable to licensure of clinical laboratory personnel; repealing s. 483.817(3) and (4), F.S., relating to automatic reverter to inactive status of a license as clinical laboratory personnel; amending s. 483.819, F.S.; deleting provisions relating to renewal of an inactive license as clinical laboratory personnel and to automatic suspension of such license; amending s. 484.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as an optician; amending s. 484.009, F.S.; deleting provisions relating to automatic expiration of an optician's license; amending s. 484.014, F.S.; conforming a cross reference; providing penalties for practicing opticianry with a delinquent license; amending s. 484.047, F.S.; deleting provisions relating to automatic expiration of a license as a dispenser of hearing aids and to reinstatement of such license; amending s. 484.0501, F.S.; revising provisions relating to the fitting and selling of hearing aids, to include reference to the conducting of hearing assessments; amending s. 484.053, F.S.; providing penalties for dispensing hearing aids with a delinquent license; amending s. 484.056, F.S.; conforming a cross reference; providing for disciplinary action against a person dispensing hearing aids with a delinquent license; amending s. 486.085, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 486.108, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a physical therapist assistant; providing for a delinquency fee; revising provisions relating to the amounts of certain fees; deleting the inactive application fee for reactivation of a license; amending s. 489.103, F.S.; clarifying an exemption from provisions regulating construction contracting; amending s. 489.105, F.S.; defining "demolish" for purposes of the definition of "contractor"; revising the term "underground utility and excavation contractor"; amending s. 489.107, F.S.; correcting a cross reference; providing for jurisdiction; amending s. 489.109, F.S.; revising fee terminology applicable to certification or registration as a contractor; providing limits to voluntary inactive fees; amending s. 489.115, F.S.; providing for continuing education relating to certain wind resistance provisions; providing authority to certify building plans; amending s. 553.79, F.S.; recognizing authority of contractor to cer-

tify building plans under certain circumstances; amending s. 489.116, F.S.; revising provisions relating to inactive and delinquent status; amending s. 489.117, F.S.; clarifying requirements for registration; amending s. 489.119, F.S.; eliminating the requirement that the name of the qualifying agent must be noted on the registration or certification issued to a business organization; amending s. 489.127, F.S., relating to prohibitions and penalties applicable to construction contracting; conforming a cross reference; providing applicability with respect to an inactive or suspended certificate or registration; providing that the penalties are not exclusive of other applicable penalties; amending s. 489.131, F.S., relating to applicability; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Construction Industry Licensing Board; providing intent with respect to the creation of civil causes of action; amending s. 489.141, F.S.; providing applicability to registrants of provisions relating to claims for recovery from the Construction Industries Recovery Fund; providing an appropriation for payment of claims from the Construction Industries Recovery Fund; repealing s. 489.143(6), F.S.; relating to claims payments from the Construction Industries Recovery Fund; amending s. 489.501, F.S.; revising legislative purpose relating to provisions regulating electrical and alarm system contracting; amending s. 489.503, F.S., relating to exemptions from regulation of electrical and alarm system contracting; revising an exemption relating to telecommunications, television, and radio systems; amending s. 489.505, F.S.; revising and providing definitions; clarifying an exemption; amending s. 489.509, F.S.; revising fee terminology applicable to licensure as an electrical and alarm system contractor; amending s. 489.511, F.S.; revising certification requirements; providing a definition; clarifying provisions relating to specialty contractors; amending s. 489.513, F.S.; revising registration requirements; providing registration requirements for alarm system contractors; amending s. 489.515, F.S.; requiring evidence of obtaining workers' compensation insurance or a specified exemption certificate prior to certification or registration; amending s. 489.516, F.S.; authorizing counties and municipalities to suspend or deny locally issued permits when the contractor involved has failed to obtain the required workers' compensation insurance or exemption certificate and public liability and property damage insurance; amending s. 489.517, F.S.; providing continuing education requirements for renewal of a certificate or registration; amending s. 489.519, F.S.; deleting provisions relating to automatic expiration of a license as an electrical and alarm system contractor; providing for continuing education requirements for certain voluntary inactive certificate holders; creating s. 489.520, F.S.; requiring the department to implement an automated system of licensure status information for electrical and alarm system contracting; amending s. 489.521, F.S.; correcting terminology; amending s. 489.522, F.S.; providing that primary qualifying agents have approval authority for checks, payments, drafts, and contracts of the business organization; amending s. 489.531, F.S.; providing penalties for electrical and alarm system contracting with a delinquent license; extending the period for filing a challenge to a local jurisdiction enforcement body's recommended penalty to the Electrical Contractors' Licensing Board; providing for the issuance of stop-work orders for unlicensed work; amending s. 489.533, F.S.; providing for disciplinary action against a person engaging in electrical or alarm system contracting with a delinquent certificate or registration; including applicants in provisions relating to disciplinary proceedings; reenacting ss. 489.515(2) and (4) and 489.521(9), F.S., relating to issuance of certificates and business organizations, to incorporate the amendments to ss. 489.513, 489.533, and 489.537, F.S., in references thereto; amending s. 489.537, F.S., relating to application of part; providing a time limit for certain registration as an alarm system contractor; revising requirements for that registration; providing an appropriation relating to the regulation of alarm system contractors; repealing s. 490.007(3), F.S., and amending s. 490.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license as a psychologist and reactivation of such license; repealing s. 491.007(3), F.S., and amending s. 491.008, F.S.; deleting provisions relating to automatic reverter to inactive status of a license or certificate as a clinical social worker, marriage and family therapist, or mental health counselor and to reactivation of such license or certificate; amending s. 492.109, F.S.; deleting provisions relating to automatic reverter to inactive status of a geologist's license; amending s. 492.1101, F.S.; deleting provisions relating to automatic expiration of a license as a geologist; amending s. 492.112, F.S.; providing penalties for practicing geology with a delinquent license; amending s. 492.113, F.S., relating to disciplinary proceedings by the Board of Professional Geologists; clarifying provisions; reenacting ss. 492.105(3), 492.108(2), and 492.111(6), F.S., relating to licensure by examination or endorsement and practice of geology by firms, corporations, or partnerships, to incorporate the amendment to s. 492.113, F.S.,

in a reference thereto; repealing s. 1(5), ch. 86-286, Laws of Florida, relating to regulation of elevators; abrogating an obsolete Sunset repeal of a provision relating to reporting of elevator accidents; amending s. 481.201, F.S.; revising legislative purpose applicable to regulation of architecture and interior design; amending s. 481.203, F.S.; revising definitions; amending s. 481.205, F.S.; increasing the membership of the Board of Architecture and Interior Design; providing for staggering of terms; amending s. 481.207, F.S.; revising fee provisions; amending s. 481.209, F.S.; revising examination requirements; amending s. 481.211, F.S., relating to architecture internship; eliminating an obsolete provision; amending s. 481.213, F.S.; revising licensure provisions; amending s. 481.2131, F.S.; providing requirements of interior designers practice requirements; amending s. 481.219, F.S.; revising certification provisions applicable to partnerships and corporations; amending s. 481.223, F.S.; revising prohibitions and penalties for architects and interior designers; amending s. 481.2251, F.S.; revising disciplinary proceedings for interior designers; amending s. 481.229, F.S.; revising exemptions from regulation applicable to interior decorator and interior design services; reenacting ss. 481.213(4), 481.225(1)(a), and 481.231(2), F.S., relating to certification, disciplinary proceedings, and local effect, to incorporate the amendments to ss. 481.223 and 481.229, F.S., in references thereto; creating s. 481.24, F.S.; providing for initial and provisional licensure of interior designers; providing requirements with respect to persons previously licensed to use certain titles relating to interior design; providing for the carrying forward of related licenses under specified circumstances; providing for future legislative review; providing an appropriation relating to the regulation of architects and interior designers; amending ss. 455.218, 455.224, 455.225, 455.241, and 455.26, F.S., relating to foreign-trained professionals, authority to issue citations, disciplinary proceedings, patient records, and duties of the Impaired Practitioners Committee, respectively, to reconcile certain differences arising from 1992 amendatory laws; amending s. 713.01, F.S.; expanding the definition of "improve" applicable to the Construction Lien Law to include final construction cleanup to prepare a structure for occupancy; amending s. 713.06, F.S., relating to construction liens of persons not in privacy; revising certain notice requirements; amending s. 713.16, F.S.; revising provisions relating to demand for copy of construction contract and statements of account; providing for the registration of athletic trainers who meet specified criteria; providing legislative intent; providing definitions; providing rulemaking authority of the Department of Business and Professional Regulation; creating the Athletic Training Regulatory Task Force; providing exemptions; amending s. 486.161, F.S.; providing an exemption for certain persons assisting a licensed physical therapist; amending s. 413.275, F.S.; increasing membership of the Florida Council for the Hearing Impaired; amending ss. 468.1135 and 484.044, F.S.; requiring at least one hearing aid user on the Board of Speech-Language Pathology and Audiology; directing that board and the Board of Hearing Aid Specialists to adopt rules to ensure that prospective hearing aid purchasers receive certain information; amending ss. 468.1225 and 484.0501, F.S.; requiring audiologists and hearing aid specialists to provide certain information at the time of an initial examination for a hearing aid; revising procedures relating to client's waiver of use of a certified testing room for audiometric testing; providing for procedures and equipment used in conducting hearing assessments; amending ss. 468.1245 and 484.051, F.S.; correcting references; creating ss. 468.1246 and 484.0512, F.S.; providing a trial period and money-back guarantee for hearing aid purchases; requiring certain notice; providing for rules; providing for costs and a cancellation fee; amending s. 484.042, F.S.; modifying membership of the Board of Hearing Aid Specialists; creating s. 310.0015, F.S.; providing general provisions with respect to the regulation of piloting; amending s. 310.002, F.S.; revising and providing definitions; merging and amending ss. 310.011 and 310.021, F.S.; revising the composition of the Board of Pilot Commissioners; correcting terminology and cross references; amending s. 310.071, F.S.; revising requirements for certification as a deputy pilot; providing an additional path for qualification to take the deputy pilot examination; requiring the adoption of rules establishing physical examination requirements for deputy pilots; extending the period of validity of such certificates and limiting renewal thereof, amending ss. 310.073 and 310.081, F.S.; requiring the adoption of rules establishing physical examination requirements for pilots; restricting the number of applicants who may be certified as qualified to be a deputy pilot; amending s. 310.101, F.S.; revising and providing grounds for disciplinary action; increasing the administrative fine; providing penalties; creating s. 310.102, F.S.; providing for a treatment program for impaired pilots and deputy pilots; creating s. 310.1112, F.S.; requiring that pilots and deputy pilots report certain actions against their motor vehicle licenses; amending s. 310.121, F.S.; requiring specified application and examination fees; amending s.

310.131, F.S.; authorizing the Department of Business and Professional Regulation to audit the financial records of pilots and deputy pilots relating to pilotage; amending s. 310.141, F.S.; revising provisions relating to vessels subject to pilotage; amending s. 310.146, F.S.; exempting from regulation certain vessels transiting the Miami River; amending s. 310.151, F.S.; revising provisions regulating rates of pilotage; creating the Pilotage Rate Review Board within the department and providing for membership thereof; providing rulemaking authority to such board; providing requirements relating to funds received and expenses incurred; providing for rate hearings upon petition to such board; providing notice requirements; providing for rate review application fees; providing applicability to current rates; creating s. 310.183, F.S.; providing for immediate inactivation of a pilot's license or deputy pilot's certificate for a serious marine incident; providing for rules; amending s. 310.185, F.S.; correcting terminology; requiring the Legislative Information Technology Resource Committee to undertake a study and submit a report to the Governor and leaders of the Legislature relating to tracking systems that use integrated radar, satellites, or related technology; providing effective dates.

On motion by Senator Dyer, the Senate concurred in the House amendment.

CS for CS for SB 2076 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 2208 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2208—A bill to be entitled An act relating to secondhand dealers; amending s. 538.03, F.S.; defining the term "physical possession" as that term is used with respect to property to which ch. 538, F.S., applies; providing an exemption from regulation for auction businesses; providing an exemption from regulation for licensed antique dealers, who purchase secondhand goods, rather than for any person who purchases household furnishings, under specific circumstances; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, strike lines 30 and 31 and insert:

(m) *Any business that is registered with the Department of Revenue for sales tax purposes as an antique dealer pursuant to chapter 212* ~~person who purchases secondhand goods household furnishings~~ from the

And the title is amended as follows:

In title, on page 1, line 8, strike "licensed" and insert: registered

House Amendment 2 (with Title Amendment)—On page 2, between lines 4 and 5, insert:

Section 2. Subsection (2) of section 538.06, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

538.06 Holding period.—

(2) *Except as provided in subsection (1), a secondhand dealer must maintain actual physical possession of all secondhand goods throughout a transaction. It is unlawful for a secondhand dealer to accept title or any other form of security in secondhand goods in lieu of actual physical possession. A secondhand dealer who accepts title or any other form of security in secondhand goods in lieu of actual physical possession commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(5) *When the pawned personal property is a motor vehicle, the physical possession provisions of subsection (2) shall not apply, provided the secondhand dealer maintains possession of the motor vehicle title in lieu of physical possession. However, the owner of the motor vehicle shall not be required to pay additional charges when the owner retains physical possession of the motor vehicle, nor shall the owner be required to pay repossession expenses incurred by the secondhand dealer. A secondhand dealer who pawns a titled motor vehicle shall have the right to repossess the motor vehicle upon the default of the pawn contract as provided in s. 538.16.*

Section 3. Subsection (3) of section 538.09, Florida Statutes, is amended to read:

538.09 Registration.—

(3) The secondhand dealer's registration shall be conspicuously displayed at his principal place of business. A secondhand dealer must retain physical possession of held secondhand goods at the registered location until 15 days after the secondhand transaction or until any extension of the holding period has expired, whichever is later, and must retain records of each transaction which is not specifically exempted by this chapter. A secondhand dealer shall not dispose of property at any location until the holding period has expired unless the transaction is specifically exempted by this chapter.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 1, line 11, after the semicolon (;) insert: amending s. 538.06, F.S.; providing that a secondhand dealer may accept title in lieu of physical possession of a motor vehicle; amending s. 538.09, F.S.; revising provisions that require secondhand dealers to retain possession of secondhand goods;

On motions by Senator Sullivan, the Senate concurred in the House amendments.

SB 2208 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—36 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 2580 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 2580—A bill to be entitled An act relating to lobbying; amending ss. 11.045 and 112.3215, F.S.; revising provisions relating to regulation of legislative lobbyists and executive branch lobbyists; revising definitions; revising reporting requirements and dates; revising advisory opinion provisions applicable to legislative lobbyists; providing a fine for failure of a legislative lobbyist to register if so required; amending s. 11.062, F.S.; revising a prohibition against the use of state funds for lobbying; providing exceptions; providing for advisory opinions; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house of the Legislature charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Expenditure" means a payment, distribution, loan, advance, reimbursement, or deposit of money or its equivalent, or the provision of anything of value, made by a lobbyist or principal for the purpose of lobbying or encouraging others to lobby or for the purpose of attempting to engender the goodwill of a member or employee of the Legislature.

(c) "Legislative action" means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter which may be the subject of action by, either house of the Legislature or any committee thereof.

(d) "Lobbying" means influencing or attempting to influence legislative action or nonaction through oral or written communication with or an attempt to obtain the goodwill of a member or employee of the Legislature.

(e) "Lobbyist" means a person, other than an employee of the principal, who, for the purpose of lobbying, is employed or and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is an employee of the principal and whose significant employment responsibilities include lobbying who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that principal that other person or governmental entity.

(f) "Principal" means the person, firm, corporation, association, unit of government, or other entity which has employed or retained a lobbyist or which has directed an affiliate to employ or retain a lobbyist to represent the person, firm, corporation, association, unit of government or other entity. For the purposes of this section, a person is an affiliate of another person if, either directly or indirectly:

1. The other person owns a 50-percent or greater interest in another person or a majority of the voting stock of such person;

2. Such person owns a 50-percent or greater interest in the other person or a majority of the voting stock of the other person; or

3. Another person owns a 50-percent or greater interest in each of the two persons or a majority of the voting stock of each of the two persons.

(2) Each house of the Legislature shall provide by rule, or both houses may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

(a) Registration is required for each principal represented.

(b) Every registrant shall be required to state the extent of any direct business association or partnership with any current member of the Legislature.

(c) Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate reportable lobbying expenditures. Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(d) All registrations shall be open to the public.

(e) Any person who is exempt from registration under the rule shall not be considered a lobbyist for any purpose.

(3) Each house of the Legislature shall provide by rule the following reporting requirements:

(a)1. Statements shall be filed quarterly by all registered lobbyists, which statements shall disclose all lobbying expenditures by the lobbyist or and the principal and the source of funds for such expenditures. A separate report must be filed for each principal, except that affiliates may choose to be considered as a single principal for reporting purposes.

2. All expenditures made by the lobbyist or and the principal for the purpose of lobbying must be reported, except that the rule may provide a method by which expenditures may be rounded to the nearest \$5. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist.

3. An expenditure made by a person other than a lobbyist or principal, if made at the direction of a lobbyist or principal, shall be considered to have been made by the directing lobbyist or principal.

4. An expenditure shall be considered to be a goodwill expenditure if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to a member or employee of the Legislature unless the member or employee is a relative of the lobbyist. For the purposes of this section, a relative is an individual who is related to the member or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, step-

brother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, or step great grandchild; any person who is engaged to be married to the member or employee or who otherwise holds himself or herself out as or is generally known as the person whom the member or employee intends to marry or with whom the member or employee intends to form a household; or any natural person having the same legal residence as the member or employee.

5. Expenditures made must be reported by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. Lobbying expenditures do not include the ~~a lobbyist's or principal's~~ salary, office expenses *other than the costs of printing and postage of publications*, and personal expenses for lodging, meals, and travel of a lobbyist, a principal, or the employee, partner, or associate of a lobbyist or principal.

(b) A principal who is represented by two or more lobbyists shall, prior to or concurrent with the registration of the second lobbyist, designate one lobbyist whose expenditure report shall include all lobbying expenditures of the principal and of all of the lobbyists on behalf of that principal as required by paragraph (a). Specific requirements for filing the consolidated expenditure report are as follows:

1. A list of all lobbyists representing the principal shall be included with the report. An expenditure report for each lobbyist on the list must be made pursuant to the reporting requirements of paragraph (a). The report for each lobbyist on the list must contain a cumulative total for the reporting period for all reportable categories. The consolidated report filed on ~~March 31 January 15~~ shall contain a cumulative total for the *preceding* calendar year for all reportable categories for each lobbyist and shall contain a cumulative total for the *preceding* calendar year of all lobbying expenditures of all lobbyists represented on the consolidated report.

2. The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The report shall contain a cumulative total of expenditures made by the principal for the reporting period. The report filed on ~~March 31 January 15~~ shall contain a cumulative total of all expenditures of the principal for the *preceding* calendar year.

3. The principal is responsible for the accuracy of figures reported as lobbying expenditures made by the principal. Each lobbyist whose expenditures are included in the report is responsible for the accuracy of the lobbying expenditure figures submitted to the principal by that lobbyist for inclusion in the consolidated report filed by the designated lobbyist.

(c) The reporting statements shall be filed by ~~June 30, September 30, December 31, and March 31 April 15, July 15, October 15, and January 15~~ of each year and shall include the expenditures for the period from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The report due ~~March 31 January 15~~ shall include a cumulative total for the *preceding* calendar year for all reportable categories. The statements shall be rendered in the identical form provided by the respective houses, *shall be signed in the identical manner provided by the respective houses unless exempted*, and shall be open to public inspection. A reporting statement need not be filed if there have been no expenditures during a reporting period. However, the registrant shall certify on the report due ~~March 31 January 15~~ that there were no expenditures during any reporting period for which a report was not filed. Reporting statements may be filed by electronic means, when feasible.

(4) Each house of the Legislature shall provide by rule, or both houses may provide by joint rule, a procedure by which a person, when in doubt about the applicability and interpretation of this section in a particular context, may submit, in writing, the facts for an advisory opinion to ~~the committee of that the respective house or of both houses, if provided by joint rule and may appear in person before the committee.~~ The rule shall provide a procedure by which:

(a) The person designated to render advisory opinions will ~~committee shall~~ render such advisory opinions to any person who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) ~~The committee shall make~~ Sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions *will be made, if specifically requested.*

(c) All advisory opinions ~~will of the committee shall~~ be numbered, dated, and open to public inspection.

(5) Each house of the Legislature shall keep, *for public inspection*, all advisory opinions ~~of the committees~~ relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this section, ~~all of which shall be open for public inspection.~~

(6) The committee of the respective house shall investigate any person engaged in legislative lobbying upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings shall be conducted pursuant to the rules of the respective houses. *Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the Legislature who is designated in writing and who is a member of The Florida Bar or a certified public accountant licensed in Florida, except that such person shall not be a lobbyist registered pursuant to this section or s. 112.3215. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.* If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of *that said* house.

(7) Any person required to be registered or to provide information pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to register or to disclose any material fact required by this section or by rules established in conformity with this section, or who knowingly provides false information on any report required by this section or by rules established in conformity with this section, commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (6).

(8) There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the purpose of funding the administration of the registration of ~~lobbyists lobbyist~~ lobbying the Legislature, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to general revenue provisions of chapter 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.

Section 2. Section 11.062, Florida Statutes, as amended by chapter 93-121, Laws of Florida, is amended to read:

11.062 Use of public state funds to retain a lobbyist for lobbying prohibited; penalty; advisory opinions.—

(1) ~~No funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes, which shall include the cost for publication and distribution of each publication used in lobbying; other printing; media; advertising, including production costs; postage; entertainment; and telephone and telegraph. Any state employee of any executive, judicial, or quasi-judicial department who violates the provisions of this section shall have deducted from his salary the amount of state moneys spent in violation of this section.~~

(2)(a) A department of the executive branch, a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the legislative or executive branch. However, full-time employees of a department of the executive branch, a state university, a community college, or a water management district may register as lobbyists and represent that employer before the legislative or executive branch. Except as a full-time employee, a person may not accept any public funds from a department of the executive branch, a state university, a community college, or a water management district for lobbying.

(2)(b) A department of the executive branch, a state university, a community college, or a water management district that violates this section subsection may be prohibited from lobbying the legislative or executive branch for a period not exceeding 2 years.

(3)(e) This section subsection shall not be construed to prohibit a department of the executive branch, a state university, a community college, or a water management district from retaining a lobbyist for purposes of representing the entity before the executive or legislative branch of the Federal Government. Further, any person so retained is not subject to the prohibitions of this section subsection.

(4)(d) A person who accepts public funds as compensation for lobbying in violation of this section subsection may be prohibited from registering to lobby before the legislative or executive branch for a period not exceeding 2 years.

(5) Any person or agency affected by this section may seek an advisory opinion from the Commission on Ethics, as provided in s. 112.322(3), as to the applicability of this section to the person or agency in a particular context.

(6)(e) A person may file a written complaint with the Commission on Ethics alleging a violation of this section subsection. The commission shall investigate and report its finding to the President of the Senate, the Speaker of the House of Representatives, and the Governor and Cabinet. Based upon the report of the Commission on Ethics or upon its own finding that a violation of this section subsection has occurred, a house of the Legislature may discipline the violator according to its rules, and the Governor or the Governor and Cabinet, as applicable, may prohibit the violator from lobbying before the executive branch for a period not exceeding 2 years after the date of the formal determination of a violation. The Commission on Ethics shall adopt rules necessary to conduct investigations under this subsection paragraph.

Section 3. Section 112.3215, Florida Statutes, is amended to read:

112.3215 Executive branch lobbyists; registration and reporting; investigation by commission.—

(1) For the purposes of this section:

(a) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch.

(b) "Expenditure" means a payment, distribution, loan, advance, reimbursement, or deposit of money or its equivalent, or the provision of anything of value, made by a lobbyist or principal for the purpose of lobbying or encouraging others to lobby or for the purpose of attempting to engender the goodwill of an agency official or employee.

(c) "Fund" means the Executive Branch Lobby Registration Trust Fund.

(d) "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee.

(e) "Lobbyist" means a person, other than an employee of the principal, who, for the purpose of lobbying, is employed or and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is an employee of the principal and whose significant employment responsibilities include lobbying who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that principal that other person or governmental entity. "Lobbyist" does not include a person who is:

1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.

2. An officer or employee of an agency or of the legislative or judicial branch of state government acting in the normal course of the officer's or employee's his duties.

3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.

4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).

(f) "Principal" means the person, firm, corporation, association, unit of government, or other entity which has employed or retained a lobbyist or which has directed an affiliate to employ or retain a lobbyist to represent the person, firm, corporation, association, unit of government or other entity. For the purposes of this section, a person is an affiliate of another person if, either directly or indirectly:

1. The other person owns a 50-percent or greater interest in such person or a majority of the voting stock of such person;

2. Such person owns a 50-percent or greater interest in the other person or a majority of the voting stock of the other person; or

3. Another person owns a 50-percent or greater interest in each of the two persons or a majority of the voting stock of each of the two persons.

(2) The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency of the executive branch, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to general revenue General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3) A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. The registration shall require the lobbyist to disclose, under oath, the following information:

(a) The lobbyist's His name and business address;

(b) The name and business address of each principal the lobbyist he represents;

(c) The lobbyist's His area of interest;

(d) The agencies before which the lobbyist he will appear; and

(e) The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which the lobbyist he lobbies, or intends to lobby, as disclosed in the registration.

(4) The annual lobbyist registration fee shall be \$20 for each principal represented.

(5)(a)1. A lobbyist must also submit to the commission, quarterly, a signed expenditure report summarizing all lobbying expenditures by the lobbyist or and the principal. A separate report must be filed for each principal, except that affiliates may choose to be considered as a single principal for reporting purposes.

2. All expenditures made by the lobbyist or and the principal for the purpose of lobbying must be reported, except that the commission may by rule provide a method by which expenditures may be rounded to the nearest \$5. The report of such expenditures must identify whether the expenditure was made directly by the lobbyist, directly by the principal, initiated or expended by the lobbyist and paid for by the principal, or initiated or expended by the principal and paid for by the lobbyist.

3. An expenditure made by a person other than a lobbyist or principal, if made at the direction of a lobbyist or principal, shall be considered to have been made by the directing lobbyist or principal.

4. An expenditure shall be considered to be a goodwill expenditure if it is a gift, an entertainment, any food or beverage, or any other item or service of similar personal benefit to an officer or employee of an agency unless the officer or employee is a relative of the lobbyist. For the purposes of this section, a relative is an individual who is related to the officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, step-sister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step

grandchild, or step great grandchild; any person who is engaged to be married to the officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the officer or employee intends to marry or with whom the officer or employee intends to form a household; or any natural person having the same legal residence as the officer or employee.

5. Expenditures made must be reported by the category of the expenditure, including, but not limited to, the categories of food and beverages, entertainment, research, communication, media advertising, publications, travel, and lodging. Lobby expenditures do not include the ~~a lobbyist's or principal's~~ salary, office expenses *other than the costs of printing and postage of publications*, and personal expenses for lodging, meals, and travel of a lobbyist, a principal, or the employee, partner, or associate of a lobbyist or principal.

(b) A principal who is represented by two or more lobbyists shall, *prior to or concurrent with the registration of the second lobbyist*, designate one lobbyist whose expenditure report shall include all lobbying expenditures of the principal and of all of the lobbyists on behalf of that principal as required by paragraph (a). Specific requirements for filing the consolidated expenditure report are as follows:

1. A list of all lobbyists representing the principal shall be included with the report. An expenditure report for each lobbyist on the list must be made pursuant to the reporting requirements of paragraph (a). The report for each lobbyist on the list must contain a cumulative total for the reporting period for all reportable categories. The consolidated report filed on ~~March 31 January 15~~ shall contain a cumulative total for the *preceding* calendar year for all reportable categories for each lobbyist and shall contain a cumulative total for the *preceding* calendar year of all lobbying expenditures of all lobbyists represented on the consolidated report.

2. The report of lobbying expenditures by the principal shall be made pursuant to the requirements of paragraph (a). The report shall contain a cumulative total of expenditures made by the principal for the reporting period. The report filed on ~~March 31 January 15~~ shall contain a cumulative total of all expenditures of the principal for the *preceding* calendar year.

3. The principal is responsible for the accuracy of figures reported as lobbying expenditures made by the principal. Each lobbyist whose expenditures are included in the report is responsible for the accuracy of the lobbying expenditure figures submitted to the principal by that lobbyist for inclusion in the consolidated report filed by the designated lobbyist.

(c) The reporting statements shall be due on *June 30, September 30, December 31, and March 31 April 15, July 15, October 15, and January 15* of each year and shall include the expenditures for the period from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The report due ~~March 31 January 15~~ shall include a cumulative total for the *preceding* calendar year for all reported categories. *The statements shall be signed in the manner provided by the commission by rule, unless exempted in that rule.* A statement need not be filed if there have been no expenditures during a reporting period. However, the registrant shall certify on the report due ~~March 31 January 15~~ that there were no expenditures during any reporting period for which a reporting statement was not filed.

(d) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(e) Each lobbyist and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate *reportable* lobbying expenditures. ~~Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.~~

(6) A lobbyist may cancel *a* his registration with the commission upon termination of *that* his contract or other such employment relationship with *that* his principal. Such cancellation must be by written notice to the commission.

(7) The commission shall investigate every sworn complaint which is filed with it alleging that a person covered by this section has failed to register, has failed to submit an expenditure report, or has knowingly submitted false information in any report or registration required by *this section herein*. *Any documents and records retained pursuant to this section may be inspected under reasonable circumstances by any authorized representative of the commission who is designated in writing and who is a member of The Florida Bar or a certified public accountant licensed in Florida, except that such person shall not be a lobbyist registered pursuant to this section or s. 11.045. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.* All proceedings, the complaint, and other records relating to the investigation shall be confidential and exempt from the provisions of s. 119.07(1) either until the alleged violator requests in writing that such investigation and records be made public records or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation occurred.

(8) If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(9) If the Governor and Cabinet find that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years.

(10) Any person, when in doubt about the applicability and interpretation of this section to *that person himself* in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(11) Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(12) Upon discovery of violations of this section, an agency or any person may file a sworn complaint with the commission.

(13) The commission shall adopt rules to implement the provisions of this section, which shall include forms for registration and expenditure reports, procedures for registration, and procedures which will prevent disclosure of information which is confidential as provided *in this section herein*.

Section 4. This act shall take effect January 1, 1995.

And the title is amended as follows:

In title, on page 1, strike all of lines 11-14 and insert: F.S.; eliminating a prohibition against the use of state funds for lobbying; authorizing the issuance of advisory opinions relating to lobbying for a department of the executive branch, a state university, a community college, or a water management district; providing an effective date.

On motion by Senator Turner, the Senate refused to concur in the House amendment and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment, SB 3068 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 3068—A bill to be entitled An act relating to the Children's Services Council of Martin County; exempting the council from the provisions of part III of chapter 163, F.S., relating to the payment of fees, taxes, or increment revenue to community redevelopment agencies; providing an effective date.

House Amendment 1—On page 1, strike line 15 and insert: Statutes, except to the extent that such fees, taxes, or increment revenues have previously been pledged to bonds, notes, or other forms of indebtedness authorized and issued by the governing body of a municipality or a community redevelopment agency before the effective date of this act. With respect to the fees, taxes, or increment revenues that, before the effective date of this act, have previously been pledged to bonds, notes, or other forms of indebtedness, the Children's Services Council of Martin County shall be exempt from the payment of any further fees, taxes, or increment revenues to community redevelopment agencies, upon the payment or other defeasance of such bonds, notes, or other forms of indebtedness.

On motion by Senator Myers, the Senate concurred in the House amendment.

SB 3068 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 3072 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 3072—A bill to be entitled An act relating to the Children's Services Council of St. Lucie County; exempting the council from the provisions of part III of chapter 163, F.S., relating to payment of fees, taxes, or increment revenue to community redevelopment agencies; providing an effective date.

House Amendment 1—On page 1, line 16, after "Statutes" insert: , except to the extent that such fees, taxes, or increment revenues have previously been pledged to bonds, notes, or other forms of indebtedness authorized and issued by the governing body of a municipality or a community redevelopment agency before the effective date of this act. With respect to the fees, taxes, or increment revenues that, before the effective date of this act, have previously been pledged to bonds, notes, or other forms of indebtedness, the Children's Services Council of St. Lucie County shall be exempt from the payment of any further fees, taxes, or increment revenues to community redevelopment agencies, upon the payment or other defeasance of such bonds, notes or other forms of indebtedness.

On motion by Senator Myers, the Senate concurred in the House amendment.

SB 3072 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38 Nays—None

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 3098 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 3098—A bill to be entitled An act relating to the boundaries of Citrus County and Levy County; amending ss. 7.09, 7.38, F.S.; moving the boundary between those counties from the northern bank of the Withlacoochee River to the thread or center of that river; correcting errors in the descriptions of the boundaries of those counties; providing an effective date.

House Amendment 1 (with Title Amendment)—On page 3, strike all of lines 12 and 13 and insert:

Section 3. This act shall take effect 30 days after the date the Department of Environmental Protection issues a written finding that there are in place sufficient protections, including, but not necessarily limited to appropriate speed limits, that are comparable to the protections currently in place to protect the manatee on the area of the Withlacoochee River affected by this act.

And the title is amended as follows:

In title, on page 1, strike line 9 and insert: counties; providing a contingent effective date.

On motion by Senator Kirkpatrick, the Senate concurred in the House amendment.

SB 3098 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—None

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 665 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 665—A bill to be entitled An act relating to public employee death benefits; amending s. 110.123, F.S.; requiring the state to pay health insurance coverage for the spouse and dependent children of law enforcement or correctional officers who are killed in the line of duty, under certain circumstances, for certain time periods; amending s. 112.19, F.S.; requiring political subdivisions of the state that employ law enforcement or correctional officers who are killed in the line of duty, under certain circumstances, to pay health insurance coverage for the officer's spouse and dependent children for certain time periods; amending s. 112.191, F.S.; requiring political subdivisions of the state that employ firefighters who are killed in the line of duty, under certain circumstances, to pay health insurance coverage for the firefighter's spouse and dependent children for certain time periods; amending s. 175.181, F.S.; revising beneficiary provisions by eliminating remarriage penalties and reinstating death benefits to surviving spouses of firefighters under certain circumstances; amending s. 185.162, F.S.; revising beneficiary provisions by eliminating remarriage penalties and reinstating death benefits to surviving spouses of police officers under certain circumstances; providing an effective date.

On motion by Senator Silver, the Senate receded from the Senate amendment.

CS for HB 665 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37 Nays—1

*John B. Phelps, Clerk**The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendment 1 to CS for HB 1391 and requests the Senate to recede.

John B. Phelps, Clerk

CS for HB 1391—A bill to be entitled An act relating to the City of Port Orange, Volusia County, Florida; providing for the relief of Bettye Jo Arnold; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Port Orange Police Department; providing an effective date.

On motion by Senator Burt, the Senate receded from the Senate amendment.

CS for HB 1391 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32 Nays—5

RETURNING MESSAGES--FINAL ACTION*The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has passed SB 104, SB 172, CS for SB 330, SB 616, SB 638, SB 650, SB 694, CS for SB 1068, SB 1206, SB 1208, CS for SB 1228 and CS for SB 1910, SB 1244, SB 1254, SB 1324, SB 1450, CS for SB 1474, SB 1502, SB 1504, SB 1618, CS for SB 1780, CS for SB 1944, CS for CS for SB 2110, SB 2184, CS for SB 2350, CS for SB 2380, SB 2448, CS for SB 2536, CS for SB 2654, CS for SB 2752, SB 2972, SB 3064, SB 3084, SB 3124, SB 3126, SB 3146, SB 3168; has passed by the required constitutional three-fifths vote of the membership CS for SJR 2606; and has adopted SCR 3172.

*John B. Phelps, Clerk**The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has allowed for consideration outside the extended call by two-thirds vote of the membership of the House, and passed CS for SB's 76 and 90, SB 158, CS for SB 428, CS for SB 1756, SB 2120, CS for SB 2264, CS for SB 2522, CS for SB 2776 and SB 3062.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments to SB 58 and passed as further amended.

*John B. Phelps, Clerk**The Honorable Pat Thomas, President*

I am directed to inform the Senate that the House of Representatives has allowed for consideration outside the extended call by two-thirds vote of the membership of the House, concurred in Senate Amendment(s) to House Amendment(s) to CS for SB 1320 and passed as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended CS for HB 51, CS for HB 101, HB 317, CS for HB 749, HB 1039, CS for HB 1257, CS for HB 1387, CS for HB 1401, CS for HB 1789, CS for HB 1873, CS for HB 1949, CS for HB 2103, HB 2321, HB 2325, HB 2353, HB 2419, HB 2445 and HB 2557.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has allowed for consideration outside the extended call and by two-thirds vote of the membership of the House and concurred in senate amendments and passed as amended CS for HB 173, CS for CS for HB 179, HB 343, HB 601, CS for HB 1305, CS for HB 1369 and HB 2493.

*John B. Phelps, Clerk***ROLL CALLS ON SENATE BILLS****SB 22**

Yeas—27

Mr. President	Forman	Kirkpatrick	Silver
Bankhead	Grogan	Kiser	Sullivan
Boczar	Harden	Kurth	Turner
Casas	Hargrett	Meadows	Weinstein
Childers	Jennings	Myers	Wexler
Crist	Johnson	Scott	Williams
Diaz-Balart	Jones	Siegel	

Nays—6

Beard	Dantzler	Foley
Brown-Waite	Dudley	McKay

SB 58

Yeas—35

Mr. President	Diaz-Balart	Hargrett	Myers
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crist	Gutman	McKay	Williams
Dantzler	Harden	Meadows	

Nays—None

Vote after roll call:

Yea—Jenne

SB 64

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	
Dantzler	Hargrett	Meadows	

Nays—None

SB 158

Yeas—35

Mr. President	Crenshaw	Dyer	Harden
Beard	Crist	Foley	Hargrett
Brown-Waite	Dantzler	Grant	Holzendorf
Casas	Diaz-Balart	Grogan	Jenne
Childers	Dudley	Gutman	Jennings

Johnson	Kurth	Scott
Jones	McKay	Siegel
Kirkpatrick	Meadows	Silver
Kiser	Myers	Turner

Weinstein
Wexler
Williams

SB 276

Nays—None

Vote after roll call:

Yea—Boczar

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 164

Yeas—20

Mr. President	Foley	Jenne	Siegel
Casas	Forman	Jennings	Silver
Childers	Grogan	Johnson	Turner
Crenshaw	Gutman	Jones	Weinstein
Diaz-Balart	Hargrett	Scott	Williams

Nays—11

Beard	Dantzler	Grant	Myers
Boczar	Dudley	Harden	Sullivan
Crist	Dyer	McKay	

SB 312

Yeas—36

Mr. President	Diaz-Balart	Hargrett	Meadows
Bankhead	Dudley	Holzendorf	Myers
Beard	Dyer	Jenne	Siegel
Boczar	Foley	Jennings	Silver
Brown-Waite	Forman	Johnson	Sullivan
Casas	Grant	Jones	Turner
Childers	Grogan	Kirkpatrick	Weinstein
Crist	Gutman	Kurth	Wexler
Dantzler	Harden	McKay	Williams

Nays—None

SB 204

Yeas—30

Bankhead	Dudley	Holzendorf	Siegel
Beard	Dyer	Jenne	Silver
Brown-Waite	Foley	Jennings	Sullivan
Burt	Forman	Johnson	Turner
Childers	Grant	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Myers	
Diaz-Balart	Hargrett	Scott	

Nays—None

CS for SB 228

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

SB 260

Yeas—37

Bankhead	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Turner
Burt	Forman	Kirkpatrick	Weinstein
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	

Nays—None

SB 376

Yeas—31

Mr. President	Crist	Harden	Scott
Beard	Dantzler	Holzendorf	Siegel
Boczar	Diaz-Balart	Johnson	Silver
Brown-Waite	Dudley	Jones	Sullivan
Burt	Dyer	Kirkpatrick	Turner
Casas	Foley	Kiser	Weinstein
Childers	Grogan	Meadows	Williams
Crenshaw	Gutman	Myers	

Nays—None

SB 408

Yeas—35

Mr. President	Dantzler	Harden	Meadows
Bankhead	Diaz-Balart	Hargrett	Myers
Beard	Dudley	Holzendorf	Siegel
Boczar	Dyer	Jennings	Sullivan
Brown-Waite	Foley	Jones	Turner
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	Kiser	Wexler
Crenshaw	Grogan	Kurth	Williams
Crist	Gutman	McKay	

Nays—None

SB 574

Yeas—37

Mr. President	Beard	Brown-Waite	Casas
Bankhead	Boczar	Burt	Childers

Crenshaw	Grant	Jones	Sullivan	Dantzler	Harden	Jones	Sullivan
Crist	Grogan	Kirkpatrick	Turner	Dudley	Hargrett	Kiser	Turner
Dantzler	Harden	Kiser	Weinstein	Dyer	Holzendorf	Kurth	Weinstein
Diaz-Balart	Hargrett	McKay	Wexler	Foley	Jenne	McKay	Wexler
Dudley	Holzendorf	Meadows	Williams	Grant	Jennings	Myers	Williams
Dyer	Jenne	Myers		Grogan	Johnson	Siegel	
Foley	Jennings	Siegel					
Forman	Johnson	Silver					

Nays—None

SB 596

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 606

Yeas—37

Mr. President	Dantzler	Hargrett	Siegel
Bankhead	Diaz-Balart	Holzendorf	Silver
Beard	Dudley	Jennings	Sullivan
Boczar	Dyer	Johnson	Turner
Brown-Waite	Foley	Jones	Weinstein
Burt	Forman	Kirkpatrick	Wexler
Casas	Grant	Kurth	Williams
Childers	Grogan	McKay	
Crenshaw	Gutman	Meadows	
Crist	Harden	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 664

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	
Dantzler	Hargrett	Meadows	

Nays—None

SB 700

Yeas—31

Mr. President	Boczar	Burt	Crenshaw
Beard	Brown-Waite	Childers	Crist

Dantzler	Harden	Jones	Sullivan
Dudley	Hargrett	Kiser	Turner
Dyer	Holzendorf	Kurth	Weinstein
Foley	Jenne	McKay	Wexler
Grant	Jennings	Myers	Williams
Grogan	Johnson	Siegel	

Nays—None

SB 824

Yeas—37

Mr. President	Dantzler	Jenne	Siegel
Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Grant	Kiser	Wexler
Casas	Grogan	McKay	Williams
Childers	Harden	Meadows	
Crenshaw	Hargrett	Myers	
Crist	Holzendorf	Scott	

Nays—None

SB 872

Yeas—36

Mr. President	Dantzler	Hargrett	Meadows
Beard	Diaz-Balart	Holzendorf	Myers
Boczar	Dudley	Jenne	Scott
Brown-Waite	Dyer	Jennings	Siegel
Burt	Foley	Johnson	Silver
Casas	Forman	Jones	Sullivan
Childers	Grant	Kirkpatrick	Turner
Crenshaw	Grogan	Kiser	Weinstein
Crist	Harden	Kurth	Williams

Nays—None

SB 912

Yeas—36

Mr. President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Jenne	Scott
Beard	Diaz-Balart	Jennings	Siegel
Boczar	Dudley	Johnson	Silver
Brown-Waite	Dyer	Jones	Sullivan
Burt	Foley	Kirkpatrick	Turner
Casas	Forman	Kiser	Weinstein
Childers	Grogan	McKay	Wexler
Crenshaw	Harden	Meadows	Williams

Nays—None

SB 954

Yeas—35

Mr. President	Dantzler	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Scott
Boczar	Dudley	Johnson	Siegel
Brown-Waite	Dyer	Jones	Silver
Burt	Foley	Kirkpatrick	Turner
Casas	Grogan	Kiser	Weinstein
Childers	Harden	Kurth	Wexler
Crenshaw	Hargrett	McKay	Williams
Crist	Holzendorf	Meadows	

Nays—None

CS for CS for CS for SB 1018

Yeas—37

Mr. President	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	
Diaz-Balart	Holzendorf	Scott	

Nays—None

Vote after roll call:

Yea—Jenne

SB 1042

Yeas—37

Mr. President	Dantzler	Jenne	Siegel
Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kiser	Weinstein
Burt	Forman	Kurth	Wexler
Casas	Grant	McKay	Williams
Childers	Grogan	Meadows	
Crenshaw	Harden	Myers	
Crist	Hargrett	Scott	

Nays—None

SB 1104

Yeas—37

Mr. President	Dantzler	Jenne	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Forman	Kiser	Wexler
Casas	Grant	Kurth	Williams
Childers	Grogan	McKay	
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

SB 1116

Yeas—38

Mr. President	Dantzler	Jenne	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

CS for SB 1176

Yeas—37

Mr. President	Dantzler	Holzendorf	Siegel
Bankhead	Diaz-Balart	Johnson	Silver
Beard	Dudley	Jones	Sullivan
Boczar	Dyer	Kirkpatrick	Turner
Brown-Waite	Foley	Kiser	Weinstein
Burt	Forman	Kurth	Wexler
Casas	Grant	McKay	Williams
Childers	Grogan	Meadows	
Crenshaw	Gutman	Myers	
Crist	Hargrett	Scott	

Nays—None

CS for CS for SB 1194

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzler	Hargrett	Meadows	

Nays—None

SB 1200

Yeas—36

Mr. President	Dantzler	Jenne	Myers
Bankhead	Diaz-Balart	Jennings	Scott
Beard	Dudley	Johnson	Siegel
Boczar	Dyer	Jones	Silver
Brown-Waite	Foley	Kirkpatrick	Sullivan
Burt	Forman	Kiser	Turner
Casas	Grogan	Kurth	Weinstein
Crenshaw	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Grant

CS for SB's 1268 and 1160

Yeas—34

Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Casas	Forman	Kiser	Weinstein
Childers	Grant	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	
Dantzler	Jenne	Myers	

Nays—None

Vote after roll call:

Yea—Holzendorf

CS for CS for SB 1318

Yeas—32

Beard	Dudley	Holzendorf	Meadows
Boczar	Dyer	Jenne	Myers
Casas	Foley	Jennings	Siegel
Childers	Forman	Johnson	Silver
Crenshaw	Grant	Jones	Sullivan
Crist	Grogan	Kirkpatrick	Turner
Dantzler	Harden	Kiser	Wexler
Diaz-Balart	Hargrett	Kurth	Williams

Nays—None

CS for SB 1320

Yeas—37

Mr. President	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Gutman	Meadows	
Crist	Hargrett	Myers	
Dantzler	Jenne	Scott	

Nays—None

CS for CS for SB 1346

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

SB 1362

Yeas—35

Mr. President	Dantzler	Harden	Myers
Bankhead	Diaz-Balart	Hargrett	Siegel
Beard	Dudley	Holzendorf	Silver
Boczar	Dyer	Jennings	Sullivan
Brown-Waite	Foley	Johnson	Turner
Casas	Forman	Jones	Weinstein
Childers	Grant	Kirkpatrick	Wexler
Crenshaw	Grogan	Kiser	Williams
Crist	Gutman	Meadows	

Nays—3

Burt	Kurth	McKay
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CS for SB 1474

Yeas—38

Mr. President	Brown-Waite	Childers	Dantzler
Bankhead	Burt	Crenshaw	Diaz-Balart
Beard	Casas	Crist	Dudley

Dyer	Holzendorf	Kurth	Sullivan
Foley	Jenne	McKay	Turner
Forman	Jennings	Meadows	Weinstein
Grant	Johnson	Myers	Wexler
Gutman	Jones	Scott	Williams
Harden	Kirkpatrick	Siegel	
Hargrett	Kiser	Silver	

Nays—1

Grogan

CS for SB 1540

Yeas—37

Mr. President	Dantzler	Holzendorf	Siegel
Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Forman	Kiser	Wexler
Casas	Grant	Kurth	Williams
Childers	Grogan	McKay	
Crenshaw	Gutman	Meadows	
Crist	Harden	Myers	

Nays—None

SB 1546

Yeas—36

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Jenne	Myers
Beard	Dudley	Jennings	Scott
Boczar	Dyer	Johnson	Siegel
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Crenshaw	Grogan	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for CS for SB's 1564,
1736 and 2194

Yeas—35

Bankhead	Dantzler	Harden	Scott
Beard	Diaz-Balart	Hargrett	Siegel
Boczar	Dudley	Jenne	Silver
Brown-Waite	Dyer	Jennings	Sullivan
Burt	Foley	Johnson	Turner
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	Kiser	Wexler
Crenshaw	Grogan	Meadows	Williams
Crist	Gutman	Myers	

Nays—1

Jones

Vote after roll call:

Nay to Yea—Jones

SB 1566

Yeas—37

Mr. President	Boczar	Casas	Crist
Bankhead	Brown-Waite	Childers	Dantzler
Beard	Burt	Crenshaw	Diaz-Balart

Dudley	Harden	McKay
Dyer	Holzendorf	Meadows
Foley	Jenne	Myers
Forman	Jennings	Scott
Grant	Johnson	Siegel
Grogan	Jones	Silver
Gutman	Kurth	Sullivan

Turner
Weinstein
Wexler
Williams

Vote after roll call:

Yea—Gutman, Holzendorf

Nays—None

SB 1912

Yeas—38

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Turner
Burt	Forman	Kirkpatrick	Weinstein
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	Williams
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	

Nays—None

CS for SB 1582

Yeas—37

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	

Nays—None

CS for CS for SB 1950

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

CS for SB 1756

Yeas—35

Mr. President	Crist	Gutman	Myers
Bankhead	Dantzler	Harden	Siegel
Beard	Diaz-Balart	Hargrett	Silver
Boczar	Dudley	Jenne	Sullivan
Brown-Waite	Dyer	Jennings	Turner
Burt	Foley	Johnson	Weinstein
Casas	Forman	Jones	Wexler
Childers	Grant	Kirkpatrick	Williams
Crenshaw	Grogan	Meadows	

Nays—None

CS for SB 1762

Yeas—34

Bankhead	Diaz-Balart	Hargrett	Scott
Beard	Dudley	Jenne	Silver
Boczar	Dyer	Jennings	Sullivan
Brown-Waite	Foley	Johnson	Turner
Casas	Forman	Jones	Weinstein
Childers	Grant	Kirkpatrick	Wexler
Crenshaw	Grogan	McKay	Williams
Crist	Gutman	Meadows	
Dantzler	Harden	Myers	

Nays—None

Vote after roll call:

Yea—Siegel

CS for SB's 1864 and 2212

Yeas—34

Mr. President	Crist	Jennings	Siegel
Bankhead	Dantzler	Johnson	Silver
Beard	Diaz-Balart	Jones	Sullivan
Boczar	Dudley	Kirkpatrick	Turner
Brown-Waite	Dyer	Kiser	Weinstein
Burt	Foley	Kurth	Wexler
Casas	Grant	McKay	Williams
Childers	Harden	Meadows	
Crenshaw	Jenne	Myers	

Nays—None

SB 1954

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

SB 1976

Yeas—36

Mr. President	Dantzler	Harden	Meadows
Bankhead	Diaz-Balart	Hargrett	Myers
Beard	Dudley	Jenne	Siegel
Brown-Waite	Dyer	Jennings	Silver
Burt	Foley	Johnson	Sullivan
Casas	Forman	Jones	Turner
Childers	Grant	Kirkpatrick	Weinstein
Crenshaw	Grogan	Kurth	Wexler
Crist	Gutman	McKay	Williams

Nays—1

Boczar

SB 2018

Yeas—37

Mr. President	Dantzler	Jenne	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Forman	Kiser	Wexler
Casas	Grant	Kurth	Williams
Childers	Grogan	McKay	
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

CS for CS for SB 2076

Yeas—34

Mr. President	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Turner
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Myers	
Dantzler	Hargrett	Scott	

Nays—None

SB 2150

Yeas—37

Bankhead	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Gutman	Meadows	
Crist	Hargrett	Myers	
Dantzler	Holzendorf	Scott	

Nays—None

CS for SB 2156

Yeas—35

Mr. President	Diaz-Balart	Hargrett	Myers
Beard	Dudley	Holzendorf	Scott
Boczar	Dyer	Jenne	Siegel
Brown-Waite	Foley	Jennings	Silver
Burt	Forman	Johnson	Sullivan
Casas	Grant	Jones	Turner
Childers	Grogan	Kiser	Wexler
Crist	Gutman	Kurth	Williams
Dantzler	Harden	Meadows	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

SB 2208

Yeas—36

Mr. President	Dantzler	Harden	Myers
Bankhead	Diaz-Balart	Hargrett	Scott
Beard	Dudley	Jennings	Siegel
Brown-Waite	Dyer	Johnson	Silver
Burt	Foley	Jones	Sullivan
Casas	Forman	Kirkpatrick	Turner
Childers	Grant	Kurth	Weinstein
Crenshaw	Grogan	McKay	Wexler
Crist	Gutman	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Jenne

CS for SB 2264

Yeas—34

Bankhead	Dantzler	Harden	Siegel
Beard	Diaz-Balart	Hargrett	Silver
Boczar	Dudley	Jennings	Sullivan
Brown-Waite	Dyer	Johnson	Turner
Burt	Foley	Jones	Weinstein
Casas	Forman	Kurth	Wexler
Childers	Grant	McKay	Williams
Crenshaw	Grogan	Meadows	
Crist	Gutman	Myers	

Nays—None

CS for CS for SB 2420

Yeas—39

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Scott
Beard	Dyer	Jennings	Siegel
Boczar	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzler	Hargrett	Meadows	

Nays—None

SB 2494

Yeas—36

Bankhead	Dantzler	Hargrett	Myers
Beard	Diaz-Balart	Holzendorf	Scott
Boczar	Dudley	Jenne	Siegel
Brown-Waite	Dyer	Jennings	Silver
Burt	Foley	Johnson	Sullivan
Casas	Forman	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for SB 2522

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for SB 2532

Yeas—36

Mr. President	Crist	Harden	Myers
Bankhead	Dantzler	Hargrett	Scott
Beard	Diaz-Balart	Jenne	Siegel
Boczar	Dudley	Jennings	Silver
Brown-Waite	Dyer	Johnson	Sullivan
Burt	Foley	Jones	Turner
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	Kurth	Wexler
Crenshaw	Grogan	McKay	Williams

Nays—None

CS for SB 2740

Yeas—35

Mr. President	Dudley	Holzendorf	Meadows
Beard	Dyer	Jenne	Myers
Brown-Waite	Foley	Jennings	Siegel
Burt	Forman	Johnson	Silver
Casas	Grant	Jones	Turner
Childers	Grogan	Kirkpatrick	Weinstein
Crenshaw	Gutman	Kiser	Wexler
Crist	Harden	Kurth	Williams
Diaz-Balart	Hargrett	McKay	

Nays—None

CS for SB 2752

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

CS for SB 2784

Yeas—39

Mr. President	Brown-Waite	Childers	Dantzler
Beard	Burt	Crenshaw	Diaz-Balart
Boczar	Casas	Crist	Dudley

Dyer	Hargrett	Kiser	Silver
Foley	Holzendorf	Kurth	Sullivan
Forman	Jenne	McKay	Turner
Grant	Jennings	Meadows	Weinstein
Grogan	Johnson	Myers	Wexler
Gutman	Jones	Scott	Williams
Harden	Kirkpatrick	Siegel	

Nays—None

CS for SB's 2878 and 2358

Yeas—36

Bankhead	Diaz-Balart	Hargrett	McKay
Beard	Dudley	Holzendorf	Meadows
Boczar	Dyer	Jenne	Myers
Brown-Waite	Foley	Jennings	Siegel
Casas	Forman	Johnson	Silver
Childers	Grant	Jones	Sullivan
Crenshaw	Grogan	Kirkpatrick	Turner
Crist	Gutman	Kiser	Wexler
Dantzler	Harden	Kurth	Williams

Nays—None

SB 3098

Yeas—37

Mr. President	Diaz-Balart	Holzendorf	Siegel
Bankhead	Dudley	Jennings	Silver
Beard	Dyer	Johnson	Sullivan
Boczar	Foley	Jones	Turner
Brown-Waite	Forman	Kirkpatrick	Weinstein
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	Williams
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

SB 3150

Yeas—29

Mr. President	Dyer	Jones	Sullivan
Bankhead	Forman	Kiser	Turner
Boczar	Gutman	Kurth	Weinstein
Casas	Harden	Meadows	Wexler
Childers	Holzendorf	Myers	Williams
Crenshaw	Jenne	Scott	
Crist	Jennings	Siegel	
Diaz-Balart	Johnson	Silver	

Nays—7

Beard	Dantzler	Foley	Kirkpatrick
Brown-Waite	Dudley	Grant	

SCR 3172

Yeas—39

Mr. President	Casas	Dyer	Harden
Bankhead	Childers	Foley	Hargrett
Beard	Crenshaw	Forman	Holzendorf
Boczar	Crist	Grant	Jenne
Brown-Waite	Dantzler	Grogan	Jennings
Burt	Diaz-Balart	Gutman	Johnson

Jones	McKay	Siegel	Weinstein
Kirkpatrick	Meadows	Silver	Wexler
Kiser	Myers	Sullivan	Williams
Kurth	Scott	Turner	

Nays—None

ROLL CALLS ON HOUSE BILLS**CS for HB 173—Amendment 1**

Yeas—20

Bankhead	Foley	Holzendorf	Meadows
Casas	Forman	Jenne	Scott
Childers	Grogan	Johnson	Silver
Crenshaw	Gutman	Jones	Turner
Dyer	Hargrett	Kurth	Weinstein

Nays—14

Beard	Diaz-Balart	Kirkpatrick	Sullivan
Boczar	Dudley	Kiser	Williams
Burt	Grant	Myers	
Crist	Harden	Siegel	

CS for HB 173

Yeas—39

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	

Nays—None

CS for CS for HB 179

Yeas—38

Mr. President	Dantzler	Jenne	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

CS for CS for HB 227

Yeas—38

Mr. President	Dantzler	Jenne	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Burt	Forman	Kiser	Weinstein
Casas	Grant	Kurth	Wexler
Childers	Grogan	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

CS for HB 237

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for HB 281

Yeas—34

Mr. President	Dantzler	Hargrett	Siegel
Bankhead	Diaz-Balart	Jenne	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Forman	Kiser	Wexler
Casas	Grant	Kurth	Williams
Crenshaw	Grogan	McKay	
Crist	Gutman	Myers	

Nays—None

Vote after roll call:

Yea—Meadows

CS for HB 413

Yeas—30

Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Sullivan
Brown-Waite	Foley	Johnson	Turner
Casas	Forman	Jones	Weinstein
Childers	Grogan	Kirkpatrick	Wexler
Crenshaw	Harden	Kiser	Williams
Crist	Hargrett	Kurth	
Diaz-Balart	Holzendorf	Meadows	

Nays—None

Vote after roll call:

Yea—Grant

CS for HB 443

Yeas—36

Mr. President	Dantzler	Harden	McKay
Bankhead	Diaz-Balart	Hargrett	Meadows
Beard	Dudley	Jenne	Myers
Boczar	Dyer	Jennings	Scott
Brown-Waite	Foley	Johnson	Siegel
Casas	Forman	Jones	Sullivan
Childers	Grant	Kirkpatrick	Turner
Crenshaw	Grogan	Kiser	Weinstein
Crist	Gutman	Kurth	Wexler

Nays—None

CS for HB 447

Yeas—27

Mr. President	Diaz-Balart	Jenne	Siegel
Bankhead	Dyer	Jennings	Silver
Boczar	Forman	Johnson	Sullivan
Casas	Grogan	Jones	Turner
Childers	Harden	Kiser	Weinstein
Crenshaw	Hargrett	Meadows	Wexler
Crist	Holzendorf	Scott	

Nays—11

Beard	Dudley	Kirkpatrick	Myers
Brown-Waite	Foley	Kurth	Williams
Dantzler	Grant	McKay	

HB 467

Yeas—34

Mr. President	Diaz-Balart	Jennings	Siegel
Beard	Dudley	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Foley	Kirkpatrick	Turner
Casas	Forman	Kurth	Weinstein
Childers	Grant	McKay	Wexler
Crenshaw	Harden	Meadows	Williams
Crist	Hargrett	Myers	
Dantzler	Jenne	Scott	

Nays—None

HB 545

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for HB 547

Yeas—35

Mr. President	Dantzler	Harden	Meadows
Bankhead	Diaz-Balart	Hargrett	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Turner
Casas	Forman	Jones	Weinstein
Childers	Grant	Kirkpatrick	Wexler
Crenshaw	Grogan	Kiser	Williams
Crist	Gutman	McKay	

Nays—None

CS for HB 551

Yeas—38

Bankhead	Brown-Waite	Childers	Dantzler
Beard	Burt	Crenshaw	Diaz-Balart
Boczar	Casas	Crist	Dudley

Dyer	Hargrett	Kiser	Sullivan
Foley	Holzendorf	Kurth	Turner
Forman	Jenne	Meadows	Weinstein
Grant	Jennings	Myers	Wexler
Grogan	Johnson	Scott	Williams
Gutman	Jones	Siegel	
Harden	Kirkpatrick	Silver	

Nays—None

CS for HB 591—Amendment 1

Yeas—11

Bankhead	Burt	Foley	Myers
Beard	Crenshaw	Grant	Williams
Brown-Waite	Dudley	Harden	

Nays—29

Mr. President	Forman	Jones	Silver
Boczar	Grogan	Kirkpatrick	Sullivan
Casas	Gutman	Kiser	Turner
Childers	Hargrett	Kurth	Weinstein
Crist	Holzendorf	McKay	Wexler
Dantzler	Jenne	Meadows	
Diaz-Balart	Jennings	Scott	
Dyer	Johnson	Siegel	

CS for HB 591

Yeas—26

Mr. President	Forman	Johnson	Siegel
Boczar	Grogan	Jones	Silver
Casas	Gutman	Kiser	Turner
Childers	Hargrett	Kurth	Weinstein
Crist	Holzendorf	McKay	Wexler
Diaz-Balart	Jenne	Meadows	
Dyer	Jennings	Scott	

Nays—14

Bankhead	Crenshaw	Grant	Sullivan
Beard	Dantzler	Harden	Williams
Brown-Waite	Dudley	Kirkpatrick	
Burt	Foley	Myers	

HB 601

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	

Nays—None

HB 601—After Reconsideration

Yeas—33

Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kiser	Weinstein
Burt	Forman	Kurth	Wexler
Casas	Grant	McKay	Williams
Childers	Gutman	Myers	
Crist	Harden	Scott	
Dantzler	Jenne	Siegel	

Nays—None

HB 635

Yeas—32

Mr. President	Forman	Jennings	Scott
Beard	Grant	Johnson	Siegel
Boczar	Grogan	Jones	Silver
Brown-Waite	Gutman	Kirkpatrick	Sullivan
Childers	Harden	Kiser	Turner
Crist	Hargrett	Kurth	Weinstein
Dantzler	Holzendorf	Meadows	Wexler
Dudley	Jenne	Myers	Williams

Nays—None

CS for HB 665

Yeas—37

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	
Crist	Hargrett	Meadows	
Dantzler	Holzendorf	Myers	

Nays—1

Harden

CS for HB 665—Final Passage

Yeas—37

Mr. President	Dantzler	Jennings	Siegel
Bankhead	Diaz-Balart	Johnson	Silver
Beard	Dudley	Jones	Sullivan
Boczar	Dyer	Kirkpatrick	Turner
Brown-Waite	Foley	Kiser	Weinstein
Burt	Forman	Kurth	Wexler
Casas	Grant	McKay	Williams
Childers	Grogan	Meadows	
Crenshaw	Gutman	Myers	
Crist	Hargrett	Scott	

Nays—1

Harden

CS for HB 713

Yeas—34

Mr. President	Dantzler	Jenne	Siegel
Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Jones	Sullivan
Boczar	Dyer	Kirkpatrick	Turner
Brown-Waite	Foley	Kiser	Weinstein
Casas	Forman	Kurth	Wexler
Childers	Grant	McKay	Williams
Crenshaw	Grogan	Meadows	
Crist	Harden	Myers	

Nays—None

CS for HB 751

Yeas—33

Beard	Casas	Crist	Dudley
Boczar	Childers	Dantzler	Dyer
Brown-Waite	Crenshaw	Diaz-Balart	Foley

Forman	Jenne	Myers	Weinstein
Grant	Jennings	Scott	Wexler
Grogan	Johnson	Siegel	Williams
Gutman	Jones	Silver	
Harden	Kirkpatrick	Sullivan	
Hargrett	Meadows	Turner	

Nays—None

HB 865

Yeas—35

Beard	Diaz-Balart	Jennings	Scott
Boczar	Dudley	Johnson	Siegel
Brown-Waite	Dyer	Jones	Silver
Burt	Forman	Kirkpatrick	Sullivan
Casas	Grant	Kiser	Turner
Childers	Grogan	Kurth	Weinstein
Crenshaw	Harden	McKay	Wexler
Crist	Hargrett	Meadows	Williams
Dantzler	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

**CS for CS for HB 1087—Motion
Third Reading**

Yeas—32

Mr. President	Crist	Jenne	Scott
Bankhead	Dyer	Jennings	Siegel
Beard	Foley	Johnson	Silver
Boczar	Forman	Jones	Sullivan
Brown-Waite	Grant	Kirkpatrick	Turner
Casas	Grogan	Kurth	Weinstein
Childers	Gutman	Meadows	Wexler
Crenshaw	Harden	Myers	Williams

Nays—5

Diaz-Balart	Hargrett	McKay
Dudley	Kiser	

CS for CS for HB 1087

Yeas—29

Mr. President	Dyer	Jennings	Silver
Beard	Foley	Johnson	Sullivan
Boczar	Forman	Jones	Turner
Brown-Waite	Grant	Kirkpatrick	Wexler
Casas	Grogan	Kurth	Williams
Childers	Gutman	Meadows	
Crist	Harden	Myers	
Dantzler	Jenne	Siegel	

Nays—8

Bankhead	Diaz-Balart	Hargrett	McKay
Crenshaw	Dudley	Kiser	Scott

Vote after roll call:

Yea—Weinstein

CS for HB 1161

Yeas—31

Mr. President	Casas	Dyer	Grogan
Bankhead	Childers	Foley	Gutman
Beard	Dantzler	Forman	Hargrett
Boczar	Diaz-Balart	Grant	Jenne

Jennings
Johnson
Jones
Kirkpatrick

Kiser
Kurth
McKay
Meadows

Myers
Scott
Silver
Sullivan

Turner
Weinstein
Wexler

Nays—4

Burt Crist Dudley Harden

CS for HB 1165

Yeas—37

Bankhead	Diaz-Balart	Jenne
Beard	Dudley	Jennings
Boczar	Dyer	Johnson
Brown-Waite	Foley	Jones
Burt	Forman	Kirkpatrick
Casas	Grogan	Kiser
Childers	Gutman	McKay
Crenshaw	Harden	Meadows
Crist	Hargrett	Myers
Dantzler	Holzendorf	Scott

Nays—None

HB 1209

Yeas—34

Bankhead	Dantzler	Harden
Beard	Diaz-Balart	Holzendorf
Boczar	Dudley	Jennings
Brown-Waite	Dyer	Johnson
Burt	Foley	Jones
Casas	Forman	Kiser
Childers	Grant	Kurth
Crenshaw	Grogan	McKay
Crist	Gutman	Meadows

Nays—None

CS for HB 1257

Yeas—36

Bankhead	Dantzler	Holzendorf
Beard	Diaz-Balart	Jenne
Boczar	Dudley	Jennings
Brown-Waite	Dyer	Johnson
Burt	Foley	Kirkpatrick
Casas	Forman	Kiser
Childers	Gutman	Kurth
Crenshaw	Harden	McKay
Crist	Hargrett	Meadows

Nays—1

Grogan

CS for HB 1305

Yeas—37

Mr. President	Dantzler	Jenne	Siegel
Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Foley	Kirkpatrick	Weinstein
Burt	Forman	Kiser	Wexler
Casas	Grant	Kurth	Williams
Childers	Grogan	McKay	
Crenshaw	Harden	Meadows	
Crist	Hargrett	Scott	

Nays—None

CS for HB 1309

Yeas—34

Beard	Diaz-Balart	Holzendorf	Myers
Boczar	Dudley	Jenne	Siegel
Brown-Waite	Dyer	Jennings	Sullivan
Burt	Foley	Johnson	Turner
Casas	Forman	Jones	Weinstein
Childers	Grant	Kirkpatrick	Wexler
Crenshaw	Gutman	Kiser	Williams
Crist	Harden	Kurth	
Dantzler	Hargrett	Meadows	

Nays—None

CS for HB 1317

Yeas—36

Mr. President	Dantzler	Hargrett	Meadows
Beard	Diaz-Balart	Holzendorf	Myers
Boczar	Dudley	Jenne	Siegel
Brown-Waite	Dyer	Johnson	Silver
Burt	Foley	Jones	Sullivan
Casas	Forman	Kirkpatrick	Turner
Childers	Grant	Kiser	Weinstein
Crenshaw	Grogan	Kurth	Wexler
Crist	Gutman	McKay	Williams

Nays—None

CS for HB 1325

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

CS for HB 1369

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

CS for HB 1369 After Reconsideration

Yeas—32

Bankhead	Casas	Dantzler	Foley
Beard	Childers	Diaz-Balart	Grogan
Brown-Waite	Crenshaw	Dudley	Gutman
Burt	Crist	Dyer	Harden

Hargrett
Holzendorf
Jennings
Johnson

Jones
Kirkpatrick
Kiser
Kurth

McKay
Scott
Silver
Sullivan

Turner
Weinstein
Wexler
Williams

HB 1869

Nays—None

Yeas—35

Mr. President
Bankhead
Beard
Boczar
Brown-Waite
Casas
Childers
Crenshaw
Crist

Dantzler
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Grogan
Gutman

Harden
Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kiser
Kurth
McKay

Meadows
Myers
Scott
Siegel
Sullivan
Turner
Weinstein
Wexler

CS for HB 1391

Yeas—32

Mr. President
Bankhead
Boczar
Burt
Casas
Childers
Crist
Diaz-Balart

Dyer
Forman
Grant
Grogan
Gutman
Harden
Hargrett
Holzendorf

Jennings
Johnson
Jones
Kirkpatrick
Kiser
Kurth
Meadows
Myers

Scott
Siegel
Silver
Sullivan
Turner
Weinstein
Wexler
Williams

Nays—None

Vote after roll call:

Yea—Silver

Nays—5

Brown-Waite
Dantzler

Dudley
Foley

McKay

CS for CS for HB 1875

Yeas—31

Mr. President
Bankhead
Burt
Casas
Childers
Crenshaw
Diaz-Balart
Dudley

Dyer
Foley
Forman
Grant
Gutman
Harden
Hargrett
Holzendorf

Jennings
Johnson
Jones
Kirkpatrick
Kiser
Meadows
Myers
Scott

Siegel
Silver
Sullivan
Turner
Weinstein
Wexler
Williams

CS for HB 1635

Yeas—37

Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crenshaw
Crist
Dantzler

Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Grogan
Gutman
Harden
Hargrett

Jenne
Jennings
Johnson
Kirkpatrick
Kiser
Kurth
McKay
Meadows
Myers
Scott

Siegel
Silver
Sullivan
Turner
Weinstein
Wexler
Williams

Nays—8

Beard
Boczar

Brown-Waite
Crist

Dantzler
Grogan

Kurth
McKay

Vote after roll call:

Yea to Nay—Burt

Nays—None

CS for HB 1741

Yeas—33

Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crenshaw
Crist

Dantzler
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Grogan
Gutman

Harden
Hargrett
Jenne
Jennings
Johnson
Kirkpatrick
Kurth
McKay
Meadows

Myers
Silver
Sullivan
Weinstein
Wexler
Williams

Nays—None

CS for HB 1917

Yeas—37

Mr. President
Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crenshaw
Crist

Dantzler
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Grogan
Gutman
Harden

Hargrett
Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kiser
Kurth
McKay
Meadows

Myers
Scott
Siegel
Silver
Sullivan
Turner
Weinstein

Nays—None

CS for HB 1813

Yeas—39

Mr. President
Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crenshaw
Crist

Dantzler
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Grogan
Gutman
Harden

Hargrett
Holzendorf
Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kiser
McKay
Meadows

Myers
Scott
Siegel
Silver
Sullivan
Turner
Weinstein
Wexler
Williams

Nays—None

CS for HB 1949

Yeas—38

Mr. President
Bankhead
Beard
Boczar
Brown-Waite
Burt
Casas
Childers
Crenshaw
Crist

Dantzler
Diaz-Balart
Dudley
Dyer
Foley
Forman
Grant
Grogan
Harden
Hargrett

Jenne
Jennings
Johnson
Jones
Kirkpatrick
Kiser
Kurth
McKay
Meadows
Myers

Scott
Siegel
Silver
Sullivan
Turner
Weinstein
Wexler
Williams

Nays—None

CS for HB 1987

Yeas—39

Mr. President	Dantzler	Holzendorf	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grogan	Kiser	Weinstein
Childers	Gutman	Kurth	Wexler
Crenshaw	Harden	McKay	Williams
Crist	Hargrett	Meadows	

Nays—None

CS for HB 2079

Yeas—37

Mr. President	Diaz-Balart	Holzendorf	Scott
Bankhead	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Weinstein
Burt	Grant	Kiser	Wexler
Casas	Grogan	Kurth	Williams
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

CS for HB 1999

Yeas—37

Mr. President	Diaz-Balart	Holzendorf	Siegel
Beard	Dudley	Jenne	Silver
Boczar	Dyer	Jennings	Sullivan
Brown-Waite	Foley	Johnson	Turner
Burt	Forman	Jones	Weinstein
Casas	Grant	Kirkpatrick	Wexler
Childers	Grogan	Kiser	Williams
Crenshaw	Gutman	Kurth	
Crist	Harden	McKay	
Dantzler	Hargrett	Myers	

Nays—None

HB 2229

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	
Dantzler	Hargrett	Meadows	

Nays—None

CS for HB 2025

Yeas—31

Bankhead	Dantzler	Harden	Meadows
Beard	Diaz-Balart	Hargrett	Myers
Boczar	Dudley	Jennings	Scott
Brown-Waite	Dyer	Johnson	Sullivan
Casas	Foley	Kirkpatrick	Weinstein
Childers	Forman	Kiser	Wexler
Crenshaw	Grant	Kurth	Williams
Crist	Gutman	McKay	

Nays—3

Burt	Grogan	Siegel
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HB 2299

Yeas—38

Mr. President	Dantzler	Holzendorf	Scott
Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

CS for HB 2063

Yeas—36

Mr. President	Crist	Gutman	McKay
Bankhead	Dantzler	Harden	Meadows
Beard	Diaz-Balart	Hargrett	Myers
Boczar	Dudley	Jenne	Scott
Brown-Waite	Dyer	Jennings	Siegel
Burt	Foley	Jones	Sullivan
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	Kiser	Wexler
Crenshaw	Grogan	Kurth	Williams

Nays—1

Holzendorf

HB 2321

Yeas—38

Mr. President	Diaz-Balart	Holzendorf	Myers
Bankhead	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	
Dantzler	Hargrett	Meadows	

Nays—None

HB 2325

Yeas—27

Mr. President	Dantzler	Jennings	Myers
Beard	Diaz-Balart	Johnson	Silver
Boczar	Dyer	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Turner
Casas	Grogan	Kiser	Weinstein
Childers	Gutman	Kurth	Williams
Crist	Harden	Meadows	

Nays—1

Dudley

Vote after roll call:

Yea—Siegel

HB 2347

Yeas—36

Mr. President	Diaz-Balart	Hargrett	Meadows
Beard	Dudley	Holzendorf	Myers
Boczar	Dyer	Jenne	Siegel
Brown-Waite	Foley	Jennings	Silver
Burt	Forman	Johnson	Sullivan
Casas	Grant	Jones	Turner
Crenshaw	Grogan	Kiser	Weinstein
Crist	Gutman	Kurth	Wexler
Dantzler	Harden	McKay	Williams

Nays—None

HB 2347—After Reconsideration

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

HB 2353

Yeas—38

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Dyer	Johnson	Sullivan
Brown-Waite	Foley	Jones	Turner
Burt	Forman	Kirkpatrick	Weinstein
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	Williams
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	

Nays—None

HB 2365

Yeas—40

Mr. President	Beard	Brown-Waite	Casas
Bankhead	Boczar	Burt	Childers

Crenshaw	Grant	Johnson	Scott
Crist	Grogan	Jones	Siegel
Dantzler	Gutman	Kirkpatrick	Silver
Diaz-Balart	Harden	Kiser	Sullivan
Dudley	Hargrett	Kurth	Turner
Dyer	Holzendorf	McKay	Weinstein
Foley	Jenne	Meadows	Wexler
Forman	Jennings	Myers	Williams

Nays—None

CS for HB 2375

Yeas—38

Mr. President	Diaz-Balart	Jenne	Scott
Bankhead	Dudley	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	

Nays—None

HB 2413

Yeas—38

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Wexler
Childers	Grogan	Kurth	Williams
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	

Nays—None

HB 2419

Yeas—32

Bankhead	Diaz-Balart	Jenne	Meadows
Beard	Dudley	Jennings	Myers
Boczar	Dyer	Johnson	Siegel
Casas	Forman	Jones	Sullivan
Childers	Grant	Kirkpatrick	Turner
Crenshaw	Gutman	Kiser	Weinstein
Crist	Harden	Kurth	Wexler
Dantzler	Holzendorf	McKay	Williams

Nays—None

HB 2445

Yeas—38

Mr. President	Dantzler	Holzendorf	Scott
Bankhead	Diaz-Balart	Jenne	Siegel
Beard	Dudley	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kiser	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

HB 2589

Yeas—39

Mr. President	Dantzler	Holzen	Myers
Bankhead	Diaz-Balart	Jenne	Scott
Beard	Dudley	Jennings	Siegel
Boczar	Dyer	Johnson	Silver
Brown-Waite	Foley	Jones	Sullivan
Burt	Forman	Kirkpatrick	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Harden	McKay	Williams
Crist	Hargrett	Meadows	

Nays—None

HB 2483

Yeas—34

Beard	Foley	Johnson	Siegel
Brown-Waite	Forman	Jones	Silver
Casas	Grant	Kirkpatrick	Sullivan
Childers	Gutman	Kiser	Turner
Crenshaw	Harden	Kurth	Weinstein
Crist	Hargrett	McKay	Wexler
Dantzler	Holzen	Myers	Williams
Diaz-Balart	Jenne	Scott	
Dudley	Jennings		

Nays—None

HB 2643

Yeas—36

Beard	Diaz-Balart	Jenne	Myers
Boczar	Dudley	Jennings	Scott
Brown-Waite	Dyer	Johnson	Siegel
Burt	Foley	Jones	Silver
Casas	Forman	Kirkpatrick	Sullivan
Childers	Grant	Kiser	Turner
Crenshaw	Grogan	Kurth	Weinstein
Crist	Harden	McKay	Wexler
Dantzler	Hargrett	Meadows	Williams

Nays—None

HB 2509

Yeas—19

Mr. President	Gutman	Kiser	Turner
Brown-Waite	Hargrett	Kurth	Weinstein
Childers	Holzen	Meadows	Wexler
Crenshaw	Johnson	Myers	Williams
Forman	Jones	Silver	

Nays—12

Beard	Crist	Foley	Jennings
Burt	Dantzler	Grant	McKay
Casas	Dudley	Harden	Siegel

Vote after roll call:

Yea to Nay—Crenshaw

HB 2653

Yeas—34

Bankhead	Dantzler	Hargrett	Scott
Beard	Diaz-Balart	Jennings	Siegel
Boczar	Dudley	Johnson	Sullivan
Brown-Waite	Dyer	Jones	Turner
Burt	Foley	Kiser	Weinstein
Casas	Forman	Kurth	Wexler
Childers	Grant	McKay	Williams
Crenshaw	Grogan	Meadows	
Crist	Harden	Myers	

Nays—None

HB 2557

Yeas—36

Bankhead	Dudley	Holzen	Meadows
Beard	Dyer	Jenne	Myers
Boczar	Foley	Jennings	Scott
Burt	Forman	Johnson	Siegel
Casas	Grant	Jones	Silver
Childers	Grogan	Kirkpatrick	Sullivan
Crenshaw	Gutman	Kiser	Turner
Crist	Harden	Kurth	Weinstein
Dantzler	Hargrett	McKay	Wexler

Nays—None

Vote after roll call:

Yea to Nay—Crenshaw

HB 2799

Yeas—37

Mr. President	Diaz-Balart	Jennings	Siegel
Bankhead	Dyer	Johnson	Silver
Beard	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Hargrett	Myers	
Dantzler	Holzen	Scott	

Nays—None

Vote after roll call:

Yea—Jenne

CS for HB's 2585 and 77

Yeas—36

Mr. President	Dantzler	Harden	Myers
Beard	Diaz-Balart	Holzen	Scott
Boczar	Dudley	Jenne	Siegel
Brown-Waite	Dyer	Jennings	Silver
Burt	Foley	Johnson	Sullivan
Casas	Forman	Jones	Turner
Childers	Grant	Kirkpatrick	Weinstein
Crenshaw	Grogan	McKay	Wexler
Crist	Gutman	Meadows	Williams

Nays—None

Vote after roll call:

Yea—Bankhead

HB 2817

Yeas—39

Mr. President	Beard	Waite	Casas
Bankhead	Boczar	Burt	Childers

Crenshaw	Grant	Johnson	Scott	Dudley	Holzendorf	Kurth	Turner
Crist	Grogan	Jones	Siegel	Dyer	Jenne	McKay	Weinstein
Dantzler	Gutman	Kirkpatrick	Sullivan	Foley	Jennings	Meadows	Wexler
Diaz-Balart	Harden	Kiser	Turner	Forman	Johnson	Myers	Williams
Dudley	Hargrett	Kurth	Weinstein	Grogan	Jones	Siegel	
Dyer	Holzendorf	McKay	Wexler	Harden	Kirkpatrick	Silver	
Foley	Jenne	Meadows	Williams	Hargrett	Kiser	Sullivan	
Forman	Jennings	Myers					

Nays—None

Nays—1

Grant

HB 2879

Yeas—37

Mr. President	Dudley	Jenne	Siegel
Beard	Dyer	Jennings	Silver
Boczar	Foley	Johnson	Sullivan
Brown-Waite	Forman	Jones	Turner
Burt	Grant	Kirkpatrick	Weinstein
Casas	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	
Dantzler	Hargrett	Myers	
Diaz-Balart	Holzendorf	Scott	

Nays—None

The following roll call was taken on **SB 3068, SB 3072** and **HB 2811** which passed this day:

Yeas—38

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Sullivan
Waite	Foley	Johnson	Turner
Burt	Forman	Jones	Weinstein
Casas	Grant	Kirkpatrick	Wexler
Childers	Grogan	Kurth	Williams
Crenshaw	Gutman	McKay	
Crist	Harden	Meadows	

Nays—None

HB 2881

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

ROLL CALLS ON EXECUTIVE BUSINESS

Confirmation
Allen L. Lastinger, Jr.
Dorothy C. Weaver

Yeas—36

Mr. President	Crist	Harden	Myers
Bankhead	Dantzler	Hargrett	Scott
Beard	Diaz-Balart	Jenne	Siegel
Boczar	Dudley	Jennings	Silver
Brown-Waite	Dyer	Johnson	Sullivan
Burt	Foley	Jones	Turner
Casas	Forman	Kirkpatrick	Weinstein
Childers	Grant	McKay	Wexler
Crenshaw	Grogan	Meadows	Williams

Nays—None

ROLL CALL ON CLAIM BILLS

The following roll call was taken on **SB 1324, CS for SB 2776, HB 585, CS for HB 1391, CS for HB 445, House Bills 567, 1057, 1097, CS for HB 1487, CS for HB 2195, CS for HB 2197, CS for HB 2201 and CS for HB 1575** which passed this day:

Yeas—30

Mr. President	Forman	Johnson	Silver
Bankhead	Grogan	Jones	Sullivan
Boczar	Gutman	Kiser	Turner
Casas	Harden	Kurth	Weinstein
Childers	Hargrett	Meadows	Wexler
Crist	Holzendorf	Myers	Williams
Diaz-Balart	Jenne	Scott	
Dyer	Jennings	Siegel	

Nays—8

Beard	Crenshaw	Dudley	Grant
Brown-Waite	Dantzler	Foley	McKay

ROLL CALLS ON LOCAL BILLS

The following roll call was taken on **SB 2964; House Bills 2805, 819, 821, 347, 349, 411, 1073, 1075, 1225, 1663, 2049, 475 and 1591** which passed this day:

Yeas—37

Mr. President	Boczar	Casas	Crist
Bankhead	Waite	Childers	Dantzler
Beard	Burt	Crenshaw	Diaz-Balart

Senate Confirmation of Executive Appointments

Yeas—37

Mr. President	Dantzler	Jenne	Siegel
Bankhead	Diaz-Balart	Jennings	Silver
Beard	Dudley	Johnson	Sullivan
Boczar	Dyer	Jones	Turner
Brown-Waite	Forman	Kirkpatrick	Weinstein
Burt	Grant	Kiser	Wexler
Casas	Grogan	McKay	Williams
Childers	Harden	Meadows	
Crenshaw	Hargrett	Myers	
Crist	Holzendorf	Scott	

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 7 was corrected and approved.

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 11:19 p.m. to reconvene at 2:00 p.m., Wednesday, April 13.